

FARGO CITY COMMISSION AGENDA  
Monday, July 30, 2018 – 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 in the River Room pursuant to NDCC §44-04-19.1 for the purpose of attorney consultation in the following pending matter: City of Fargo v. Gary M. and Susan D. Cavett, Civil No. 09-2017-CV-000653, to discuss the pending litigation, negotiating strategy or provide negotiating instructions to its attorney. To discuss this matter in open meeting will have a negative fiscal effect on the litigation and negotiating position of the City. Thus, an Executive Session for said matters is authorized pursuant to North Dakota Century Code 44-04-19.1 subsections 2 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](http://www.FargoND.gov/streaming). They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at [www.FargoND.gov/citycommission](http://www.FargoND.gov/citycommission).

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

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Woodruff's Addition, Chas. A. Roberts Addition, Erskine's Addition and Island Park Addition; 1st reading 7/16/18.
- 2. Pledged securities as of June 30, 2018.
- 3. Receive and file Second Quarter Financial Status Report for Major Operating Funds through June 30, 2018 (unaudited).
- 4. Extension of the Class "I" Alcoholic Beverage License for Santa Lucia until June 30, 2019.
- 5. Bid award for Parking Services (RFP18193).
- 6. Applications for Games of Chance:
  - a. Jeremiah Program for a raffle on 10/19/18.
  - b. Holy Spirit Catholic Church for raffle, bingo and calendar raffle from 9/19/18 to 10/10/18.
  - c. El Zagal Shrine Provost Guard for a sports pool from 9/1/18 to 1/6/19.
  - d. FirstLink for a raffle on 8/9/18.

- e. Ahmann Strong (Craig Ahmann Benefit) for a raffle on 9/21/18; Public Spirited Resolution.
  - f. Pink It Forward for a raffle on 9/8/18.
  - g. Fargo Davies HS for a calendar raffle from 11/20/18 to 2/19/19.
  - h. Fargo Davies HS for a calendar raffle from 8/24/18 to 5/20/19.
  - i. El Zagal Shrine Mobile Nobel for a raffle on 9/29/18.
7. Applications for property tax exemptions for improvements made to buildings:
    - a. Judith Mary Spellman, 49 18th Avenue North (5 year).
    - b. Robert and Rita Kind, 1450 3rd Street North (5 year).
  8. Notice of Grant Award with the ND Department of Health for the water pollution program (CFDA #66.605).
  9. Amended Notice of Grant Award with the ND Department of Health for the immunization program (CFDA #93.539).
  10. Amendment to Purchase of Service Agreement with ND Department of Human Services, Behavioral Health Division for substance abuse prevention.
  11. Purchase of Service Agreement with Kindred Public School District for nursing services for the 2018/2019 school year.
  12. Notice of Grant Award with the ND Department of Health for local public health unit tobacco prevention and control program.
  13. Agreement with Upper Missouri District Health Unit for the Statewide Tobacco Prevention Public Education Campaign.
  14. Agreement to utilize BlueConnect Technology and Services, a benefit enrollment platform.
  15. Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds for the 2018 HUD program activities.
  16. Bid award for Parking Facility Restoration Repairs (AFB18223).
  17. Adopt Resolutions Approving the following Plats:
    - a. Commerce on 12th Fourth Addition.
    - b. Simonson Companies First Addition.
    - c. Brandt Crossing Fourteenth Addition.
    - d. MVM Addition.
  18. Proposal from Shultz + Associates Architects to provide architectural services for Phase 2 of the Police Department Design and Renovation Project at the Border States Electric Building (RFQ18172).
  19. Inter-local Agreement with Cass County and allocation of the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funding (CFDA #16.738).
  20. Change Order No. 1 for an increase of \$176,500.00 for Project No. FM-15-K1.
  21. Negative Final Balancing Change Order No. 4 in the amount of -\$1,811.60 for Project No. FM-15-B2.

22. Final Balancing Change Order No. 3 for an increase of \$3,134.63 for Project No. FM-17-B1.
23. Contract Amendment No. 2 with KLJ in the amount of \$142,061.00 for Project No. FM-15-K0.
24. Change Order No. 11 for a time extension to 8/3/18 for Project No. FM-14-61.
25. Bid advertisement for Project No. HD-18-A.
26. Rejection of bids for Project No. SW16-03.
27. Permanent Easement (Utility) with Midcontinent Communications at 650 NP Avenue.
28. Set August 13, 2018 at 5:15 p.m. as the date and time for a hearing on a dangerous building at 427 15th Avenue South.
29. Bid award for one rear load refuse packer (RFP18149).
30. Contracts with Glenn's Body Repair, Inc. for body repair work on City of Fargo light and heavy duty fleet vehicles and with Corwin Collision Center for body repairs on the federally funded transit vehicle fleet (RFP18130).
31. Contract and bond for Project No. SN-18-A1.
32. Bills.
33. Change Order No. 1 for a time extension to 9/1/18 for Improvement District No. BN-18-E1.
34. Negative Final Balancing Change Order No. 3 in the amount of -\$15,261.61 for Improvement District No. BN-17-G1.
35. Final Balancing Change Order No. 2 for an increase of \$20,365.48 for Improvement District No. BR-17-B1.
36. Change Order No. 1 for an increase of \$28,979.53 for Improvement District No. BN-18-G1.
37. Change Order No. 6 for an increase of \$26,275.77 for Improvement District No. BN-17-B1.
38. Contract Amendment No. 1 in the amount of \$16,000.00 to Houston Engineering for Improvement District No. BN-18-F0.
39. Contract Amendment No. 1 with SRF Consulting Group in the amount of \$54,688.55 for Improvement District No. BR-18-A2.
40. Contract Amendment No. 3 with Houston Engineering in the amount of \$3,000.00 for Improvement District No. BR-18-B2.
41. Bid award for Improvement District No. BN-18-L1.
42. Create Improvement District Nos. BN-18-F2 and NN-18-A.

**REGULAR AGENDA:**

43. Recommendation for establishment of a City of Fargo Special Assessment Taskforce.

44. Application for Abatement or Refund of Taxes #4474 submitted by Chad Zeznanski representing Store Master Funding VI, LLC for property located at 2121 43rd Street South for the 2017 tax year reducing the valuation on said property.
45. Public Hearings – 5:15 pm:
  - a. Application for a Class “FA” Alcoholic Beverage License for BeerFish LLC d/b/a BeerFish at 230 Roberts Alley North.
  - b. Application for a Class “Y” Alcoholic Beverage License for Drekker Brewing Company LLC d/b/a Drekker Brewing Company at 1632 1st Avenue North.
  - c. Zoning Change from MR-1, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential on part of Lot 13 and part of Lot 14, Block 3, Legacy I 2nd Addition (2173 and 2175 58th Avenue South); approval recommended by the Planning Commission on 7/3/18.
    1. 1st reading of rezoning Ordinance.
  - d. Zoning Change from SR-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential on Lots 2-18, Block 3, Grayland First Addition (6313, 6333, 6347, 6363, 6379, 6393, 6405, 6421, 6439, 6457, 6473, 6491, 6507, 6523, 6541, 6561 and 6583 54th Avenue South); approval recommended by the Planning Commission on 7/3/18.
    1. 1st reading of rezoning Ordinance.
  - e. Laverne’s Addition (4301 19th Avenue North); approval recommended by the Planning Commission on 12/5/17:
    1. Zoning Change from AG, Agricultural to LI, Limited Industrial and P/I, Public and Institutional.
    2. 1st reading of rezoning Ordinance.
    3. Plat of Laverne’s Addition.
  - f. 19th Avenue Southwest Pond Addition (2102 45th Street North); approval recommended by the Planning Commission on 6/5/18:
    1. Zoning Change from AG, Agricultural to LI, Limited Industrial, GI, General Industrial and P/I, Public and Institutional with a C-O, Conditional Overlay.
    2. 1st reading of rezoning Ordinance.
    3. Plat of 19th Avenue Southwest Pond Addition.
  - g. 19th Avenue Northeast Pond Addition (2102 45th Street North); approval recommended by the Planning Commission on 6/5/18:
    1. Zoning Change from AG, Agricultural to LI, Limited Industrial and P/I, Public and Institutional with a C-O, Conditional Overlay.
    2. 1st reading of rezoning Ordinance.
    3. Plat of 19th Avenue Northeast Pond Addition.
46. Appointment to the Parking Commission.
47. Recommendation for a Smart Energy Parking Ramp Pilot Project at the Roberts Ramp.
48. Resolution Authorizing the Issuance of Taxable Annual Appropriation Bonds, Series 2018E (Block 9 Project).



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**The Board of Fargo City Commissioners**  
Fargo City Hall  
200 Third Street North  
Fargo, ND 58102  
Phone 701.241.1310 | Fax: 701.476.4136  
[Commission@FargoND.gov](mailto:Commission@FargoND.gov)

July 30, 2018

## **Recommendation to establish City of Fargo Special Assessment Task Force**

### **Task Force Scope:**

Task force will review history of special assessments in Fargo to include current and past funding methodology for green field development and upgrading the City of Fargo existing infrastructure (streets, arterials, public safety, water & sewer). Task force will also research, review and recommend innovative financing options to include elimination of current voter approved sales tax special assessment funding practices and replacing with other financing options. Task force will forward recommendations to Fargo City Commission, December 2018.

### **Members:**

Appointed by Mayor of Fargo. Thirteen members includes two city non-voting city commissioners. Taskforce chaired by one city commissioner appointed by the mayor. Chairman has voting rights to break any tie votes with task force recommendations. An ex-officio member from the City of West Fargo will be invited to participate with task force. Members selected should have an objective and best interests of the future of Fargo as a whole. Interested City of Fargo residents who have an interest in serving on the task force are encouraged to contact Fargo City Commission office to submit their name for consideration. Deadline for submission is August 15, 2018.

### **Thirteen members represent the following:**

1. Six Fargo residents
2. FM Home Builders Association
3. FM Realtor Association
4. Mortgage lending industry expert
5. Developer
6. Chamber of Commerce business representative
7. Two city commissioners

### **Timeline/Agenda:**

#### **August**

- Establish task force membership
- Kick-off Meeting
- ND League of Cities overview
- 1990's Voter Sales Tax Infrastructure Plan
- 2003 Task Force Report review
- Committee Member requests

**September**

- History of special assessment policy
- City of Fargo engineering policy & practices
- ND Century Code Review

**October**

- Financing, Bond markets cost drivers
- Examine alternatives to special assessment funding

**November**

- Task force open forum with community
- Task force review, draft recommendations

**December**

- Community Session for feedback
- Task force final actions/recommendations to Fargo City Commission



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ASSESSMENT DEPARTMENT

July 19, 2018

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Attached is *Application For Abatement Or Refund Of Taxes #4474* made by Chad Zeznanski representing Store Master Funding VI, LLC. The application is for the Gander Mountain store property at 2121 43 St. S. and is requesting that the valuation for 2017 be reduced from \$7,446,000 to \$5,700,000.

We have arrived at our current value using the same valuation methodology and approaches that we have used to arrive at the valuations of all other similar properties in the city. Since the construction of the property in 2004, several reappraisals and value adjustments have been applied to this property to reflect market changes and property improvements.

The applicant submitted information after the application was filed and that information has been attached. The information provided by the applicant consists mostly of sales and listings of older properties from smaller, non-peer communities and contains inaccuracies in sale prices and geographic data. The applicant has supplied no appraisal, valuation analysis, or information to support or explain why they feel the assessment is in error and should be changed to their recommended value.

Our analysis includes breakdowns of the applicant's requested value as well as our assessment values for 2014-2017. We have provided ranges of recent listings and sales prices per square foot of comparable local properties as well as from peer communities. We have also provided ranges of assessment values we currently have on other properties in the community broken down by various occupancy types. We feel the sales and assessment values we have provided indicate that our recommended value is supported by the market and is uniform with how we have other properties assessed.

Based on our analysis and current calculations, we are recommending a reduction in value of \$346,000 to a total property value of \$7,100,000.

**SUGGESTED MOTION:**

**Reduce the value from \$7,446,000 to \$7,100,000 on 2121 43rd St. S. for the 2017 tax year.**

Sincerely,

A handwritten signature in black ink that reads "Ben Hushka".

Ben Hushka  
Fargo City Assessor

**2121 43 ST S**

**STORE MASTER FUNDING VI LLC**

01-7340-00100-000

Chad Zeznanski (Agent) / WIPFLI LLP

Mr. Zeznanski, has filed an application for abatement and refund of taxes on the above referenced property. The application, County Auditor’s File No. 4474 for the 2017 assessment year is requesting a reduction in value to \$5,700,000 or a reduction of \$1,746,000. The applicant has provided extremely limited support for this value reduction; the sales and listings provided are from significantly smaller communities, of older properties, and of properties that may transition in use. The first table on the following page recaps these properties.

Recapped in the left portion of the following table is the value indication from the abatement application and the difference between that value and the certified 2017 value. Also recapped on the right portion of the table are the certified values for the 2017, 2016, 2015, and 2014 assessment years. The “reviewed” value is based on data relevant to this property.

Store Master Funding VI LLC		Assessment Department				
	Abatement <sup>1</sup> 2017	Reviewed 2017	Certified 2017	Certified 2016	Certified 2015	Certified 2014
Land Value	\$ 3,700,000	\$ 3,706,000	\$ 3,706,000	\$ 2,162,000	\$ 2,162,000	\$ 2,162,000
Improvement Value	\$ 2,000,000	\$ 3,394,000	\$ 3,740,000	\$ 5,718,000	\$ 5,202,500	\$ 4,533,000
True & Full Value	\$ 5,700,000	\$ 7,100,000	\$ 7,446,000	\$ 7,880,000	\$ 7,364,500	\$ 6,695,000
Abatement				\$ (434,000)		
Abated True & Full Value				\$ 7,446,000		
Building Area (sf)	66,282	66,282	66,282	66,282	66,282	66,282
Total Value / sf (Bldg Area)	\$ 86.00	\$ 107.12	\$ 112.34	\$ 112.34	\$ 111.11	\$ 101.01
Improvement Value / sf (Bldg Area)	\$ 30.17	\$ 51.21	\$ 56.43	\$ 79.72	\$ 78.49	\$ 68.39
Land Value / sf (Land Area)	\$ 11.98	\$ 12.00	\$ 12.00	\$ 7.00	\$ 7.00	\$ 7.00
Dollar Change (from Certified Value) <sup>1</sup>	\$ (1,746,000)	\$ (346,000)	\$ (434,000)	\$ 81,500	\$ 669,500	(Prior Year)
Percent Change (from Certified Value) <sup>1</sup>	-23.1%	-4.6%	-5.5%	1.1%	10.0%	(Prior Year)
Change Cause		Abatement	Land Review	Market Index Abatement	Market Index	

<sup>1</sup> Dollar & Percent Changes are calculated using the 2017 Certified True & Full Value

The property consists of an improvement previously utilized as a single-tenant retail store. The property (constructed in 2004) has a total building area of 66,282 square feet. Additional improvements consist of approximately 152,300 square feet of asphalt paving and approximately 12,000 square feet of concrete paving (a portion of which is located on a private drive area), a truck well and related load levelers, a secure and partially covered storage area, and entry canopy.

Local sales, as recapped in in the third table on the following page, support the 2017 certified and reviewed values as recapped in the preceding table. These sales extend back to 2015 with several sales occurring after the 2017 value was certified but included as supporting data. Additionally, the initial four sales consist of different property types (warehouse, manufacturing, and/or office) but are of similar size and bracket the subject in age. These sales occurred on a per unit basis only slightly below that proposed by the applicant, are of lower intensity uses and provide support for the 2017 values as certified and reviewed.

Competing properties of similar size and age, as recapped in a table on page three, provide support for the 2017 certified and reviewed values as recapped in the preceding table. These properties also consist of various property types.

**ASSESSMENT DEPARTMENT RECOMMENDATION**

**Reduce the value from \$7,446,000 to \$7,100,000 for 2017.**

The following pages provide supporting tables for this recommendation.



# 2121 43 ST S STORE MASTER FUNDING VI LLC

01-7340-00100-000

Chad Zeznanski (Agent) / WIPFLI LLP

The following table recaps the sales and listings as provided by Mr. Zeznanski. Please note these properties are located in non-peer communities (with the exception of Moorhead and Fargo properties) as measured by several factors including population, median owner-occupied single-family property values, median gross rents, labor force in the market, median household income, and per capita income. Please also note Mr. Zeznanski incorrectly listed sales data for the Moorhead and Fargo properties.

Address	City	State	Sale Date	Sale / Asking \$	Building sf	Sale \$ / sf	Yr Blt	Occupancy	Comment	Adj Sale \$	Bldg Area	\$ / sf
200 Paul Hanson Dr	Bemidji	MN	4-Oct-17	\$ 793,000	49,850	\$ 15.95	1975	Single Tenant Retail	Non Peer City			
1711 Center Ave W	Dilworth	MN	28-Jan-16	\$ 4,500,000	120,000	\$ 37.50	1992	Former Wal-mart / Med Testing	Non Peer City			
421 Gateway Dr	East Grand Forks	MN	16-Apr-18	\$ 1,820,000	41,454	\$ 43.90	1989	Retail	Non Peer City			
808-830 30th Ave S	Moorhead	MN	25-Jan-16	\$ 4,250,000	67,136	\$ 63.30	1974	Un-Anchored Multi Tenant Retail	Incorrect Sale Data	\$ 4,250,000	63,000	\$ 67.46
4427 13th Ave S	Fargo	ND	30-May-13	\$ 6,855,220	95,000	\$ 72.16	1991	Multi Tenant Retail	Incorrect Sale Data	\$ 7,425,400	95,096	\$ 78.08
2301 University Dr S	Fargo	ND	5-Sep-14	\$ 4,963,100	105,156	\$ 47.20	1964	Single Tenant Retail	Incorrect Sale Data	\$ 5,170,700	109,469	\$ 47.23
2500 S Columbia Rd	Grand Forks	ND	14-Jun-17	\$ 3,500,000	64,500	\$ 54.26	1979	Redevelopment Project	Non Peer City			
300 2nd Ave NE	Jamestown	ND	1-Oct-15	\$ 4,674,200	103,169	\$ 45.31	1976	Mixed Use w/ Office & Medical	Non Peer City - Portfolio Sale IRET			
2400 Hwy 281 S	Jamestown	ND	15-Jul-16	\$ 3,100,000	213,575	\$ 14.51	1980	Multi Tenant Retail	Non Peer City - Portfolio Sale IRET			
1403 W Lincoln Ave	Fergus Falls	MN	For Sale	\$ 2,850,000	83,776	\$ 34.02	1978	Retail - Former Kmart	Non Peer City			
2001 W Lincoln Ave	Fergus Falls	MN	For Sale	\$ 5,500,000	217,304	\$ 25.31	1978	Mall w/ Herberger's	Non Peer City			
1901 W Lincoln Ave	Fergus Falls	MN	For Sale	\$ 1,900,000	79,132	\$ 24.01	1998	Retail - Former Target	Non Peer City			
2300 College Way	Grand Forks	ND	For Sale	\$ 1,800,000	99,146	\$ 18.16	1977	Former Macy's	Non Peer City - Sold @ Auction			
2800 S Columbia Rd	Wahpeton	ND	For Sale	\$ 1,200,000	41,529	\$ 28.90	1971	Single Tenant Retail	Non Peer City			

The following table recaps listings of properties located in peer communities of similar size and age.

Address	City	State	Sale Date	Asking \$	Building sf	\$ / sf	Yr Blt	Occupancy	Comment
1801 Pine Lake Rd	Lincoln	NE	For Sale	\$ 9,500,000	51,561	\$ 184.25	2012	Multi Tenant Retail	Peer City
1801 Pine Lake Rd	Lincoln	NE	For Sale	\$ 6,950,000	35,000	\$ 198.57	2012	Office Condo	Peer City
5600 59 St S	Lincoln	NE	For Sale	\$ 5,650,000	44,715	\$ 126.36	1998	Multi Tenant Retail	Peer City
5040 27 St N	Lincoln	NE	For Sale	\$ 3,167,600	25,000	\$ 126.70	2005	Single Tenant Retail	Peer City - Listing \$ (Rental w/ 8.5% OAR)
4521-4531 26 St E	Sioux Falls	SD	For Sale	\$ 2,400,000	20,929	\$ 114.67	1995	Multi Tenant Retail / Office	Peer City
150 Minnesota Ave S	Sioux Falls	SD	For Sale	\$ 3,550,000	24,706	\$ 143.69	2003	Single Tenant Retail - (Auto Dealer)	Peer City
2101 Minnesota Ave S							1996		
2105-2137 Minnesota Ave S	Sioux Falls	SD	For Sale	\$ 6,750,000	41,526	\$ 162.55	1949	Multi Tenant Retail / Office	Peer City
3708 Hwy 63 N	Rochester	MN	For Sale	\$ 11,486,366	90,499	\$ 126.92	1981	Single Tenant Retail	Peer City
5115 Burning Tree Rd	Duluth	MN	For Sale	\$ 23,052,500	182,969	\$ 125.99	1994	Multi Tenant Retail - Strip Mall	Peer City - Listing \$ (3 Yr NOI Avg w/ 9.5% OAR)
4602 Grand Ave	Duluth	MN	For Sale	\$ 3,876,000	37,770	\$ 102.62	1999	Multi Tenant Retail - Strip Mall	Peer City
				Mean	55,468	\$ 141.23	2000		
				Median	39,648	\$ 126.81	1999		
2121 43 St S	Fargo	ND		\$ 7,446,000	66,282	\$ 112.34	2004	Retail Use	
				<b>Reviewed for 2017</b>	<b>\$ 7,100,000</b>	<b>\$ 107.12</b>	<b>2004</b>	<b>Retail Use</b>	

The following table recaps recent local sales.

Address	Sale Date	Sale Price Adjusted	Prop Type	Yr Built	Bldg SF	Land SF	Zone	Land to Bldg Ratio	Land Value / sf	Total \$ / Bldg Area	Impr \$ / Bldg Area	Bldg \$ / Bldg Area
101 42 ST S	17-Feb-17	\$ 2,947,900	Manu - Light	2012	43,700	131,958	GI	3.02 :1	\$ 2.50	\$ 67.46	\$ 59.91	\$ 58.84
4637 16 AVE N	25-Jul-16	\$ 13,592,000	Manu - Light	1995	193,758	603,210	GI	3.11 :1	\$ 1.50	\$ 70.15	\$ 65.48	\$ 63.42
4500 16 AVE N	29-Dec-17	\$ 3,068,600	Whse / Office	2004	43,790	249,302	GI	5.69 :1	\$ 1.75	\$ 70.08	\$ 60.12	\$ 53.67
4901 13 AVE S <sup>1</sup>	09-Feb-17	\$ 2,787,500	Retail to Whse	2004	48,453	211,310	GC	4.36 :1	\$ 5.50	\$ 57.53	\$ 33.55	\$ 23.56
<sup>1</sup> Change of Use from Retail to Mini Whse High-Rise												
4340 18 AVE S	01-Feb-16	\$ 7,014,100	Office	1995	45,529	282,152	GO	6.20 :1	\$ 5.62	\$ 154.06	\$ 119.20	\$ 110.64
5050 13 AVE S			Strip Mall									
4950 13 AVE S			Strip Mall									
4900 13 AVE S	01-Jul-16	\$ 15,021,200	Strip Mall	2004	97,559	349,935	GC	3.59 :1	\$ 6.72	\$ 153.97	\$ 129.86	\$ 124.32
3730 36 ST S	26-Feb-16	\$ 24,173,000	Retail	1994	254,830	1,385,956	GC	5.44 :1	\$ 3.00	\$ 94.86	\$ 78.54	\$ 73.35
5100 14 AVE S	01-Apr-16	\$ 6,401,900	Retail	2000	55,723	169,082	GC	3.03 :1	\$ 5.79	\$ 114.89	\$ 97.32	\$ 94.36
4901 13 AVE S <sup>2</sup>	30-Dec-15	\$ 5,995,900	Retail	2004	48,453	211,310	GC	4.36 :1	\$ 5.50	\$ 123.75	\$ 99.76	\$ 95.61
<sup>2</sup> Transfer on a Sheriff's Deed												
4151 45 ST S			Supermarket									
4201 45 ST S			Bank									
4265 45 ST S	01-Jun-17	\$ 19,957,370	Strip Mall	2005	133,161	625,164	LC	4.73 :1	\$ 10.00	\$ 149.87	\$ 102.92	\$ 92.55
		Retail Mean		2001	117,945	548,289		4.23 :1	\$ 6.20	\$ 127.47	\$ 101.68	\$ 96.04
		Retail Median		2004	97,559	349,935		4.36 :1	\$ 5.79	\$ 123.75	\$ 99.76	\$ 94.36
		Overall Mean		2002	96,496	421,938		4.35 :1	\$ 4.79	\$ 105.66	\$ 84.67	\$ 79.03
		Overall Median		2004	52,088	265,727		4.36 :1	\$ 5.50	\$ 104.87	\$ 87.93	\$ 82.95

Address	Total Value	Prop Type	Yr Built	Bldg SF	Land SF	Zone	Land to Bldg Ratio	Land Value / sf	Total Value / sf	Impr Value / sf	Bldg Value / sf
2121 43 St S - Subject	\$ 7,446,000	Retail	2004	66,282	308,833	GC	4.66 :1	\$ 12.00	\$ 112.34	\$ 56.43	\$ 49.75
<b>Reviewed for 2017</b>	<b>\$ 7,100,000</b>	<b>Retail</b>	<b>2004</b>	<b>66,282</b>	<b>308,833</b>	<b>GC</b>	<b>4.66 :1</b>	<b>\$ 12.00</b>	<b>\$ 107.12</b>	<b>\$ 51.21</b>	<b>\$ 44.53</b>
Requested Value	\$ 5,700,000	Retail	2004	66,282	308,833	GC	4.66 :1	\$ 11.98	\$ 86.00	\$ 30.17	\$ 23.50
	\$ (1,746,000)										





Subject Property (Looking East)



Subject Property (Looking West)

### Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1 of the year following the year in which the tax becomes delinquent.

State of North Dakota Assessment District 6 - West Fargo  
 County of Cass Property I.D. No. 01-7340-00100-000  
 Name STORE MASTER FUNDING VI LLC Telephone No. \_\_\_\_\_  
 Address 2121 43rd Street South, Fargo, North Dakota

Legal description of the property involved in this application:  
 Lot 1 Block 1 \*05/25/04 SPL/FR 5200-01000 Liberty Square

Total true and full value of the property described above for the year <u>2017</u> is:		Total true and full value of the property described above for the year <u>2017</u> should be:	
Land	\$ <u>3,706,000</u>	Land	\$ <u>3,700,000</u>
Improvements	\$ <u>3,740,000</u>	Improvements	\$ <u>2,000,000</u>
Total	\$ <u>7,446,000</u> (1)	Total	\$ <u>5,700,000</u> (2)

The difference of \$ 1,746,000.00 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- 10. Other (explain) \_\_\_\_\_

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ Not applicable Date of purchase: Not applicable  
 Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) \_\_\_\_\_  
 Was there personal property involved in the purchase price? Not applicable Estimated value: \$ Not applicable  
 yes/no

2. Has the property been offered for sale on the open market? \_\_\_\_\_ If yes, how long? Not applicable  
 yes/no  
 Asking price: \$ Not applicable Terms of sale: Not applicable

3. The property was independently appraised: \_\_\_\_\_ Purpose of appraisal: Not applicable  
 yes/no  
 Market value estimate: \$ Not applicable  
 Appraisal was made by whom? Not applicable

4. The applicant's estimate of market value of the property involved in this application is \$ 5,700,000

5. The estimated agricultural productive value of this property is excessive because of the following condition(s): Not applicable

Applicant asks that The total true and full value of the property described above for the year 2017 be reduced to the property's fair market value of \$5,700,000.

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) \_\_\_\_\_ Date \_\_\_\_\_ Signature of Applicant [Signature] Date 5/21/2018

**Recommendation of the Governing Body of the City or Township**

Recommendation of the governing board of \_\_\_\_\_

On \_\_\_\_\_, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 City Auditor or Township Clerk

**Action by the Board of County Commissioners**

Application was \_\_\_\_\_ by action of \_\_\_\_\_ County Board of Commissioners.  
 Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ \_\_\_\_\_. The Board accepts \$ \_\_\_\_\_ in full settlement of taxes for the tax year \_\_\_\_\_.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
 County Auditor Chairperson

**Certification of County Auditor**

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest? yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

\_\_\_\_\_  
 County Auditor Date

Application For Abatement  
 Or Refund Of Taxes

Name of Applicant Steve Master Funding LLC

County Auditor's File No. 4474


Date Application Was Filed With The County Auditor 5/24/18

Date County Auditor Mailed Application to Township Clerk or City Auditor 5/30/18  
(must be within five business days of filing date)

**RECEIVED**  
**JUN 1 2018**  
**FARGO ASSESSOR**

## Agent Authorization – Property Assessment

(Please print or type)

<b>Part 1</b> Property Owner's Name Store Master Funding VI, LLC		Spouse Name ---		Date February 28, 108
Property Owner's Address (number and street) 8377 East Hartford Drive, Suite 100		Spouse Address (if different from taxpayer) ---		Telephone Number – Daytime ( --- )
City, State, and Zip Code Scottsdale, AZ 85255-5686		City, State, and Zip Code ---	E-mail Address ---	
Parcel number 01-7340-00100-000		Parcel Address 2121 43rd Street, Fargo, North Dakota		
Personal Property Account Name:				
<b>Part 2</b> I hereby authorize the following individual(s) to act as my agent to represent me in property tax assessment matters concerning the property specified above.				
Name		Address		Telephone Number
Steve Traudt		10000 Innovation Drive, Suite 250, Milwaukee, WI 53226		( 414 ) 431-9398
Chad Zeznanski		10000 Innovation Drive, Suite 250, Milwaukee, WI 53226		( 414 ) 431-9315
				( )
<b>Part 3</b> This authorization expires: <input type="checkbox"/> MM / DD / YYYY <input checked="" type="checkbox"/> Does not expire until I revoke it in writing				
I understand, agree and accept:				
<ul style="list-style-type: none"> <li>• The assessor's office may divulge any information it may have on file concerning this property.</li> <li>• My agent has the authority and my permission to accept a subpoena concerning this property on my behalf.</li> <li>• I will provide all information I have that will assist in the discussion and resolution of any assessment appeal of this property.</li> <li>• Signing this document does not relieve me of personal responsibility for timely reporting changes to my property and paying taxes, or penalties for failure to do so, as provided under Wisconsin tax law.</li> <li>• A photocopy and/or faxed copy of this completed form has the same authority as a signed original.</li> <li>• If signed by a corporate officer, partner, or fiduciary on behalf of the taxpayer, I certify that I have the power to execute this Agent Authorization form.</li> </ul>				
<b>Part 4</b> Send notices and other written communications to: <input checked="" type="checkbox"/> Authorized Agent OR <input type="checkbox"/> Property Owner				
▶ I understand, agree, and accept: If the Authorized Agent box is checked, any notices and written communications will be sent to only the Authorized Agent, except as required by statute. If the property owner box is checked, any notices and written communications will be sent to only the property owner. If no box is checked or both boxes are checked, any notices and written communications will be sent only to the property owner.				
<b>Part 5</b>				
Signature <b>X</b> 		Title VP-Portfolio Mgt		Date 4.12.18
Signature		Title		Date
This authorization is not valid unless signed by the individual(s), corporate officer, partner or fiduciary.				

Refer to instructions on reverse side.



# Property Summary Report

**2121 43rd St NW - Gander Mountain**  
 Fargo, ND 58104



## BUILDING

Type:	Retail
Subtype:	Freestanding
Tenancy:	Single
Year Built:	2004
GLA:	66,282 SF
Floors:	1
Typical Floor:	66,282 SF
Construction:	Steel

## LAND

Land Area:	7.09 AC
Parcel:	01-7340-00100-000

## EXPENSES PER SF

Taxes:	\$1.70 (2017)
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## LEASING

Available Spaces: No Spaces Currently Available

## SALE

Last Sale: Sold on Nov 20, 2013

## TRAFFIC & FRONTAGE

Traffic Volume: 45,075 on I-94 & 42nd St (2010)  
 44,333 on I-94 & 42nd St (2015)  
 Frontage: 525' on 43rd

Made with TrafficMatrix® Products

## TRANSPORTATION

Parking: 324 Surface Spaces are available; Ratio of 4.89/1,000 SF  
 Airport: 15 minute drive to Hector International Airport  
 Walk Score ®: Car-Dependent (26)  
 Transit Score ®: Minimal Transit (24)

## PROPERTY CONTACTS

True Owner: **Store Capital Corporation** Recorded Owner: **Store Master Funding VIII LLC**  
 Prior True Owner: **Spirit Realty Capital**



# Property Summary Report

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**2121 43rd St NW - Gander Mountain**  
Fargo, ND 58104



## MARKET CONDITIONS

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<b>Vacancy Rates</b>	<b>Current</b>		<b>YOY</b>
Current Building	100%	▲	100%
Market Overall	4.4%	▲	0.9%
<b>NNN Asking Rents Per SF</b>	<b>Current</b>		<b>YOY</b>
Market Overall	\$15.08	▼	-0.5%

# Lease Availability Report

**2121 43rd St NW - Gander Mountain**  
 Fargo, ND 58104



### BUILDING

Type: **Retail**  
 Subtype: **Freestanding**  
 Tenancy: **Single**  
 Year Built: **2004**  
 GLA: **66,282 SF**  
 Floors: **1**  
 Typical Floor: **66,282 SF**

### AVAILABILITY

No Spaces Available

### EXPENSES PER SF

Taxes: **\$1.70 (2017)**

### SALE

Last Sale: Sold on Nov 20, 2013

### TRAFFIC & FRONTAGE

Traffic Volume: 45,075 on I- 94 & 42nd St (2010)  
 44,333 on I-94 & 42nd St (2015)  
 Frontage: 525' on 43rd

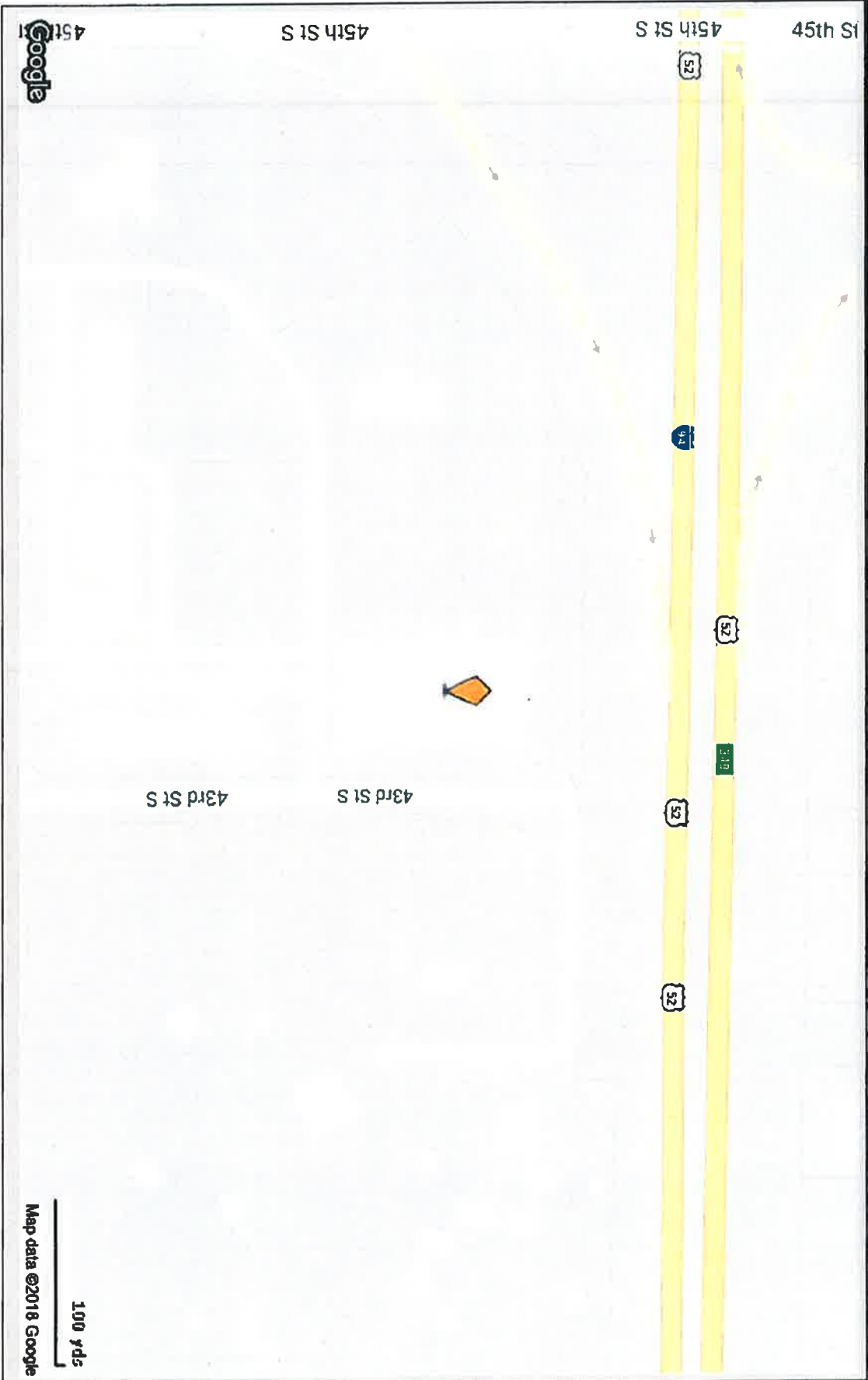
Made with TrafficMatrix® Products

### TRANSPORTATION

Parking: 324 Surface Spaces are available; Ratio of 4.89/1,000 SF  
 Airport: 15 minute drive to Hector International Airport  
 Walk Score ®: Car-Dependent (26)  
 Transit Score ®: Minimal Transit (24)

Aerial / Map Report

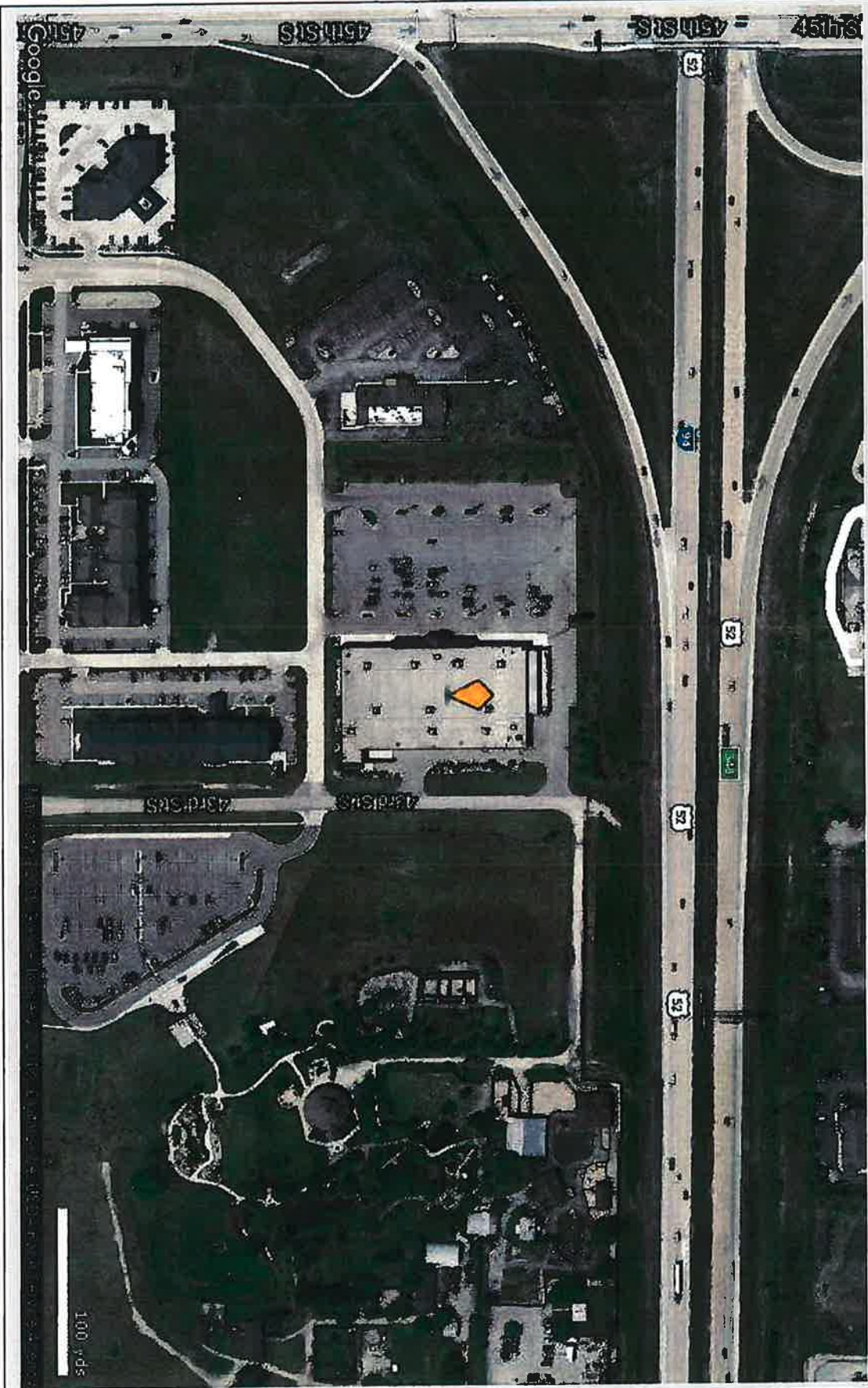
**Gander Mountain**  
2121 43rd St NW - Fargo, ND 58104



WATERFURY

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**Gander Mountain**  
2121 43rd St NW - Fargo, ND 58104



WIPFLI

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WIPIFLJ

1

2121 43rd St NW - Gander Mountain



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**1** **300 2nd Ave NE - Jamestown Business Center** **SOLD**  
**Jamestown, ND 58401**  
**Sale on 10/1/2015 for \$4,674,207 (\$45.31/SF) - Research Complete (Part of Portfolio)**  
**103,169 SF Class C Office Building Built In 1976, Renov 2001**



**Buyer & Seller Contact Info**

<p><b>True Buyer:</b> <b>Oaktree Capital Management LP</b>                  333 S Grand Ave                  Los Angeles, CA 90071                  (213) 830-6300  <b>Glenborough, LLC</b>                  66 Bovet Rd                  San Mateo, CA 94402                  (650) 343-9300</p> <p><b>Buyer Type:</b> <b>Investment Manager                  Developer/Owner-NTL</b></p> <p><b>Buyer Broker:</b> <b>No Buyer Broker on Deal</b></p>	<p><b>True Seller:</b> <b>Investors Real Estate Trust</b>                  1400 31st Ave SW                  Minot, ND 58701                  (701) 837-4738</p> <p><b>Seller Type:</b> <b>Public REIT</b></p> <p><b>Listing Broker:</b> <b>CBRE</b>  <b>Christian Williams</b>                  (630) 573-7075  <b>Richard Frolik</b>                  (630) 573-7012  <b>George Good</b>                  (630) 573-7010  <b>CBRE</b>  <b>Steven Buss</b>                  (612) 217-5150  <b>Blake Hastings</b>                  (952) 924-4600  <b>CBRE MEGA</b>  <b>Nancy Johnson</b>                  (402) 697-5828</p>
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**Transaction Details**

ID: 3402313

<p><b>Sale Date:</b> <b>10/01/2015 (874 days on market)</b></p> <p><b>Escrow Length:</b> <b>98 days</b></p> <p><b>Sale Price:</b> <b>\$4,674,207-Allocated</b></p> <p><b>Asking Price:</b> <b>-</b></p> <p><b>Price/SF:</b> <b>\$45.31</b></p> <p><b>Price/AC Land Gross:</b> <b>\$1,997,524.36</b></p>	<p><b>Sale Type:</b> <b>Investment</b></p> <p><b>Bldg Type:</b> <b>Office</b></p> <p><b>Year Built/Age:</b> <b>Built in 1976, Renov 2001 Age: 39</b></p> <p><b>RBA:</b> <b>103,169 SF</b></p> <p><b>Land Area:</b> <b>2.34 AC (101,930 SF)</b></p>
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**300 2nd Ave NE - Jamestown Business Center****SOLD**

103,169 SF Class C Office Building Built In 1976, Renov 2001 (cont)

Percent Leased: **93.6%**  
 Tenancy: **Multi**  
 Sale Conditions: **Bulk/Portfolio Sale**

Legal Desc: **Block 1, Lot 2**  
 Document No: **617773**  
 Sale History: **Sold for \$4,200,000 (\$40.71/SF) on 4/29/2016**  
**Portfolio sale of 22 properties sold for \$79,000,000 on 10/1/2015**

**Transaction Notes**

Investors Real Estate Trust (IRET) announced on October 1, 2015 that they'd completed the retail of a 15-asset retail portfolio totaling 1,040,534 SF for \$79.0 million or \$75.92 per foot.

That announcement did not take into account two additional properties (included as 16 and 17 in property detail below) that the parties went into contract for but did not close because of environmental remediation (gas station). The complete deal was for the 17 properties for \$81.5 million. The cap rate is being databased at 8%, or about \$6.52 million in NOI. The cap rate should be viewed as a reasonable representation since various sources have a number which varies but proximates around this number, with reserves, TI allowance etc. making up for the difference. Interestingly, according to a IRET's 10K (for calendar year ending April 2015), NOI for their retail segment (which comprised 17 assets at time), was \$8.823 million.

The sale was the final piece in IRET shedding properties not related to a strategic refocus on multifamily and healthcare. The REIT had completed other portfolio sales this year office and industrial product. At the time of sale, the portfolio was approximately 80% occupied.

The buyer was a joint venture of Oaktree Capital Management, LP and Glenborough, LLC. The partnership liked the value-add opportunity given occupancy levels.

The complete list of properties are:


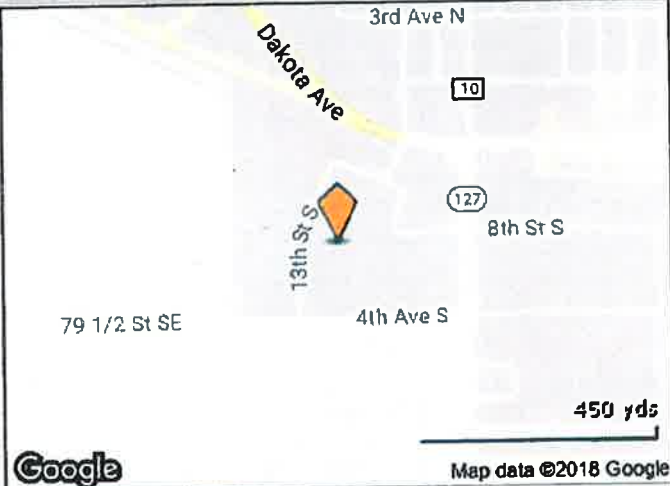
1. Chanhassen West Village 800-960 W. 78th Street, Chanhassen MN ;137,572 SF
2. Maplewood Square 4050 Highway 52 North, Rochester MN; 118,398 SF
3. Westgate Center 2500 W. Division Street, St. Cloud MN; 105,446 SF
4. Westlake Center & Auto Center 289 12th Street SW, Forest Lake MN; 100,571 SF
5. Westlake Center (Forest Lake Auto); 6,385 SF
6. Barnes & Noble 3333 Oak View Drive, Omaha NE; 26,985 SF
7. Jamestown Business Center 300 2nd Avenue NE, Jamestown ND; 103,049 SF
8. Buffalo Mall 2400 Highway 281 South, Jamestown ND; 213,575 SF
9. Denfield Retail 4602 Grand Avenue, Duluth MN; 37,770 SF
10. Lakeville Strip Center 17430 Kenwood Trail, Lakeville MN; 9,488 SF
11. Champlin South Pond 11350 Aquila Drive North, Champlin MN; 26,020 SF
12. Duluth 4615 Grand 4615 Grand Avenue, Duluth MN; 15,582 SF
13. MedPark Mall 1375 & 1395 S. Columbia Road, Grand Forks ND; 59,117 SF
14. 15. Evergreen Square & Convenience Store 100-170 Evergreen Square, Pine City MN; 63,225 SF
15. Monticello Convenience Store 110 Oakwood Avenue East, Monticello MN; 3,575 SF

The last two to close post environmental clean-up are:



16. Pine City Convenience Store; 4,800 SF with gas pumps
17. Burnsville Strip Center 13720 County Road 11, Burnsville MN; 8,526 SF

<b>300 2nd Ave NE - Jamestown Business Center</b> <span style="float: right;"><b>SOLD</b></span>	
103,169 SF Class C Office Building Built in 1976, Renov 2001 (con't)	
Current Building Information	
ID: 6986930	
<b>Bldg Type:</b> Office <b>Class:</b> C <b>Total Avail:</b> 12,573 SF <b>Bldg Vacant:</b> 12,573 SF <b>Tenancy:</b> Multi <b>Owner Type:</b> Individual <b>Owner Occupied:</b> No <b>Zoning:</b> - <b>Land Area:</b> 2.34 AC  <b>Expenses:</b> 2008 Tax @ \$0.47/sf <b>Parking:</b> 387 Surface Spaces are available; Ratio of 3.75/1,000 SF <b>Amenities:</b> Mezzanine	<b>Bldg Status:</b> Built in 1976, Renov 2001 <b>RBA:</b> 103,169 SF <b>% Leased:</b> 87.8% <b>Rent/SF/Yr:</b> \$10.50 <b>Elevators:</b> 1 <b>Core Factor:</b> - <b>Stories:</b> 2 <b>Typical Floor Size:</b> 51,584 SF <b>Building FAR:</b> 1.01
Location Information	
<b>County:</b> Stutsman <b>CBSA:</b> Jamestown, ND <b>DMA:</b> Fargo-Valley City, ND-MN	

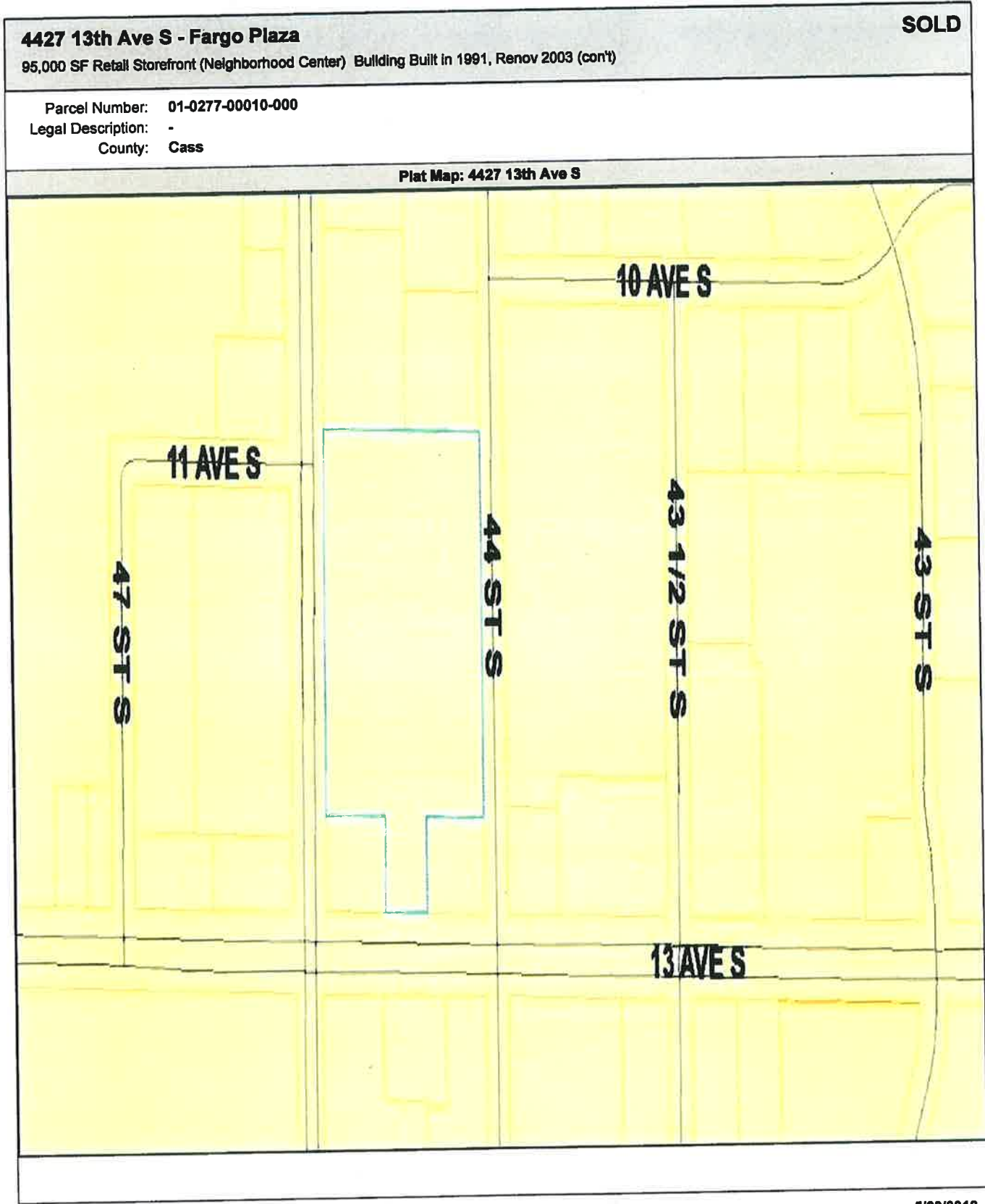



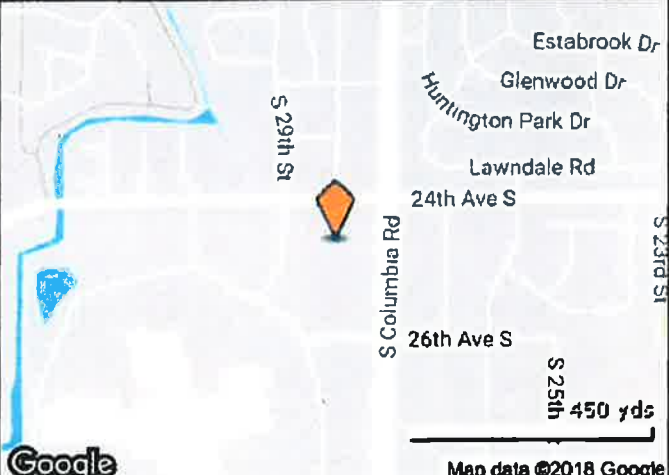
<b>2</b>	<p><b>1202 4th Ave S - Wahpeton Commercial Center</b></p> <p><b>Wahpeton, ND 58075</b>                  41,529 SF Retail Freestanding Building Built in 1971                  Property is for sale at \$1,200,000 (\$28.90/SF)</p>	<p><b>FOR SALE</b></p>
		
<b>Sale Contacts</b>		
<p><b>Sales Co:</b> Goldmark Commercial Real Estate, Inc.</p> <p>1711 Gold Dr S                  Fargo, ND 58103                  (701) 235-2900</p>		<p><b>Sales Contact 1:</b> Jim Buus                  (701) 239-5812</p>
<b>For Sale Data</b>		
<p><b>Asking Price:</b> \$1,200,000  <b>Price/SF:</b> \$28.90  <b>Days on Market:</b> 334  <b>Sale Status:</b> Active  <b>Percent Leased:</b> 65.3% (14,400 SF Avail)  <b>Tenancy:</b> Multi  <b>Parcel No:</b> 50130114684001</p>	<p><b>Sale Type:</b> Investment  <b>Bldg Status:</b> Built in 1971  <b>GLA:</b> 41,529 SF</p>	
<b>Transaction Notes</b>		
<p>Great retail or other commercial opportunity, co-located with new tractor supply store.</p>		

1202 4th Ave S - Wahpeton Commercial Center		FOR SALE	
Property is for sale at \$1,200,000 (\$28.90/SF) (cont)			
Current Retail Information			ID: 5662683
Property Type:	<b>Retail - Freestanding</b>	GLA:	<b>41,529 SF</b>
Center:	<b>Wahpeton Commercial Center</b>	Total Avail:	<b>14,400 SF</b>
Bldg Status:	<b>Built in 1971</b>	% Leased:	<b>65.3%</b>
Owner Type:	<b>-</b>	Bldg Vacant:	<b>14,400 SF</b>
Zoning:	<b>C</b>	Land Area:	<b>1.63 AC</b>
Owner Occupied:	<b>No</b>	Lot Dimensions:	<b>-</b>
		Building FAR:	<b>0.59</b>
Rent/SF/Yr:	<b>\$3.00</b>	No. of Stores:	<b>-</b>
CAM:	<b>-</b>		
Expenses:	<b>2017 Tax @ \$0.46/sf; 2016 Ops @ \$1.40/sf</b>		
Features:	<b>Signage</b>		
Location Information			
County:	<b>Richland</b>		
CBSA:	<b>Wahpeton, ND-MN</b>		
CSA:	<b>Fargo-Wahpeton, ND-MN</b>		
DMA:	<b>Fargo-Valley City, ND-MN</b>		



<b>3</b>	<p><b>4427 13th Ave S - Fargo Plaza</b></p> <p><b>Fargo, ND 58103</b></p> <p>Sale on 5/30/2013 for \$6,855,219 (\$72.16/SF) - Research Complete</p> <p>95,000 SF Retail Storefront (Neighborhood Center) Building Built in 1991, Renov 2003</p>	<b>SOLD</b>
	 <p style="text-align: center;">Google</p> <p style="text-align: right;">Map data ©2018 Google</p>	
<b>Buyer &amp; Seller Contact Info</b>		
<p><b>Recorded Buyer:</b> -</p> <p><b>True Buyer:</b> <b>Cole Credit Property Trust IV</b> 2555 E Camelback Rd Phoenix, AZ 85016 (602) 778-8700</p> <p><b>Buyer Type:</b> Private REIT</p> <p><b>Buyer Broker:</b> No Buyer Broker on Deal</p>	<p><b>Recorded Seller:</b> <b>Tamkin Development Corporation</b></p> <p><b>True Seller:</b> <b>Tamkin Development Corporation</b> <b>Jeff Tamkin</b> 11755 Wilshire Blvd Los Angeles, CA 90025 (310) 575-9447</p> <p><b>Seller Type:</b> Developer/Owner-RGNL</p> <p><b>Listing Broker:</b> <b>Stan Johnson Company</b> <b>Bradley Feller</b> (312) 240-0194</p>	
<b>Transaction Details</b>		
<p><b>Sale Date:</b> 05/30/2013</p> <p><b>Escrow Length:</b> -</p> <p><b>Sale Price:</b> \$6,855,219-Confirmed</p> <p><b>Asking Price:</b> -</p> <p><b>Price/SF:</b> \$72.16</p> <p><b>Price/AC Land Gross:</b> \$1,215,464.36</p> <p><b>Percent Leased:</b> 100.0%</p> <p><b>Tenancy:</b> Multi</p> <p><b>Pro Forma Cap Rate:</b> 8.76%</p> <p><b>Actual Cap Rate:</b> 8.27%</p> <p><b>No. of Tenants:</b> 3</p> <p><b>Tenants at time of sale:</b> Dollar Tree; Hobby Lobby; Kirkland's</p> <p><b>Financing:</b> Down payment of \$6,855,219.00 (100.0%)</p> <p><b>Legal Desc:</b> BUILDERS SQUARE 1ST LOT 1 BLK 1 *01-22-93 WAS 01-3610-00122-020</p> <p><b>Parcel No:</b> 01-0277-00010-000</p>	<p><b>Sale Type:</b> Investment</p> <p><b>Bldg Type:</b> Retail - Storefront (Neighborhood Center)</p> <p><b>Year Built/Age:</b> Built in 1991, Renov 2003 Age: 22</p> <p><b>GLA:</b> 95,000 SF</p> <p><b>Land Area:</b> 5.64 AC (245,678 SF)</p> <p><b>Percent Improved:</b> 67.7%</p> <p><b>Total Value Assessed:</b> \$6,504,000 in 2013</p> <p><b>Improved Value Assessed:</b> \$4,400,000</p> <p><b>Land Value Assessed:</b> \$2,104,000</p> <p><b>Land Assessed/AC:</b> \$373,049</p>	
		<b>ID: 2754803</b>

<b>4427 13th Ave S - Fargo Plaza</b>		<b>SOLD</b>
95,000 SF Retail Storefront (Neighborhood Center) Building Built in 1991, Renov 2003 (cont')		
Transaction Notes		
<p>This was the sale of the primary building at the Fargo Plaza. The multi-tenant asset measures 95,000 square feet and traded for \$6,855,219, or \$72.16 per square foot, at an 8.76% cap rate.</p> <p>At the time of sale, the building was 100% leased. Tenants included were Dollar Tree, Hobby Lobby, and Kirkland's. All leases were double net, with the landlord being responsible for roof and structure.</p> <p>The seller developed the property approximately 20 years ago. They chose to sell in order to retire.</p>		
Income Expense Data		
Expenses	- Taxes	<b>\$97,454</b>
	- Operating Expenses	
	Total Expenses	<b>\$97,454</b>
Current Retail Information		ID: 1187982
Property Type: <b>Retail - Storefront (Neighborhood Center)</b> Center: <b>Fargo Plaza</b> Bldg Status: <b>Built in 1991, Renov 2003</b> Owner Type: <b>Private REIT</b> Zoning: <b>Commercial</b> Owner Occupied: <b>No</b>	GLA: <b>95,000 SF</b> Total Avail: <b>0 SF</b> % Leased: <b>100.0%</b> Bldg Vacant: <b>0 SF</b> Land Area: <b>5.64 AC</b> Lot Dimensions: Building FAR: <b>0.39</b>	
Rent/SF/Yr: <b>-</b> CAM: <b>-</b>	No. of Stores: <b>-</b>	
Street Frontage: <b>146 feet on 13th Ave S</b> <b>640 feet on 45th St S (with 3 curb cuts)</b> <b>640 feet on 44th St S (with 3 curb cuts)</b>		
Property Mix: <b>General Retail 95,000 SF (100.0%)</b> Expenses: <b>2017 Tax @ \$1.20/sf, 2014 Est Tax @ \$1.22/sf; 2011 Ops @ \$4.13/sf, 2012 Est Ops @ \$4.13/sf</b> Parking: <b>427 free Surface Spaces are available</b>		
Location Information		
Park Name: <b>Fargo Plaza</b> County: <b>Cass</b> CBSA: <b>Fargo, ND-MN</b> CSA: <b>Fargo-Wahpeton, ND-MN</b> DMA: <b>Fargo-Valley City, ND-MN</b>		




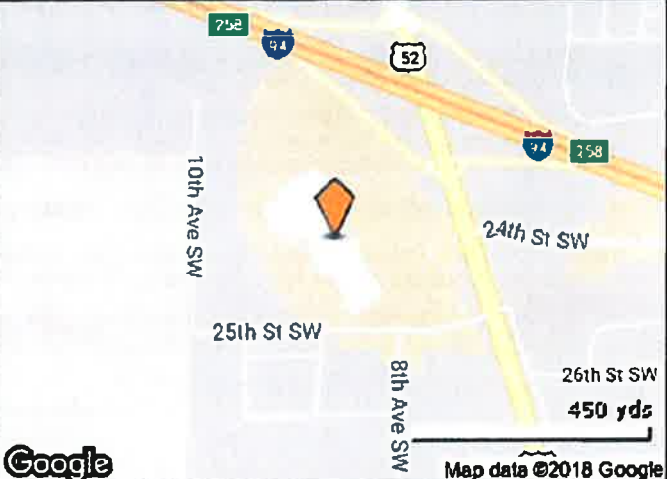
<b>4</b>	<p><b>2500 S Columbia Rd - Grand Forks I</b></p> <p><b>Grand Forks, ND 58201</b>                  Sale on 6/14/2017 - Research Complete                  64,500 SF Retail Building Built in 1979</p>	<b>SOLD</b>
		
<b>Buyer &amp; Seller Contact Info</b>		
<p><b>Recorded Buyer:</b> GF Retail Properties LLC</p> <p><b>True Buyer:</b> Roers Development, Inc                  200-400 45th St SW                  Fargo, ND 58103                  (701) 356-5050</p> <p><b>Buyer Type:</b> Developer/Owner-RGNL</p>		<p><b>Recorded Seller:</b> Fowler 318 LLC                  804 10th St S                  Fargo, ND 58103</p> <p><b>True Seller:</b> -</p> <p><b>Listing Broker:</b> Goldmark Commercial Real Estate, Inc.  <b>Jeffrey Schlossman</b>                  (701) 238-4597  <b>David Schlossman</b>                  (701) 239-5806</p>
<b>Transaction Details</b>		
<p><b>Sale Date:</b> 06/14/2017 (1,590 days on market)</p> <p><b>Escrow Length:</b> -</p> <p><b>Sale Price:</b> -</p> <p><b>Asking Price:</b> \$3,500,000</p> <p><b>Price/SF:</b> -</p> <p><b>Percent Leased:</b> 100.0%</p> <p><b>Sale Conditions:</b> Redevelopment Project</p> <p><b>No. of Tenants:</b> 2</p> <p><b>Tenants at time of sale:</b> Clothes Mentor; Shrink Tank.Com, The</p> <p><b>Parcel No:</b> 4413800001000</p> <p><b>Document No:</b> 77459</p>		<p><b>ID:</b> 3941029</p> <p><b>Sale Type:</b> Investment</p> <p><b>Bldg Type:</b> Retail</p> <p><b>Year Built/Age:</b> Built in 1979 Age: 38</p> <p><b>GLA:</b> 64,500 SF</p> <p><b>Land Area:</b> 6.01 AC (261,874 SF)</p>

<b>2500 S Columbia Rd - Grand Forks I</b>		<b>SOLD</b>
64,500 SF Retail Building Built in 1979 (con't)		
<b>Transaction Notes</b>		
Additional details could not be confirmed at the the time of research.		
<b>Current Retail Information</b>		ID: 6565048
Property Type:	<b>Retail</b>	GLA: <b>64,500 SF</b>
Center:	<b>Grand Forks I</b>	Total Avail: <b>0 SF</b>
Bldg Status:	<b>Built in 1979</b>	% Leased: <b>100.0%</b>
Owner Type:	<b>Developer/Owner-RGNL</b>	Bldg Vacant: <b>0 SF</b>
Zoning:	<b>A-1</b>	Land Area: <b>6.01 AC</b>
Owner Occupied:	-	Lot Dimensions: -
		Building FAR: <b>0.25</b>
Rent/SF/Yr:	-	No. of Stores: -
CAM:	-	
Expenses:	<b>2015 Tax @ \$0.12/sf</b>	
Parking:	<b>385 Surface Spaces are available</b>	
<b>Location Information</b>		
County:	<b>Grand Forks</b>	
CBSA:	<b>Grand Forks, ND-MN</b>	
DMA:	<b>Fargo-Valley City, ND-MN</b>	


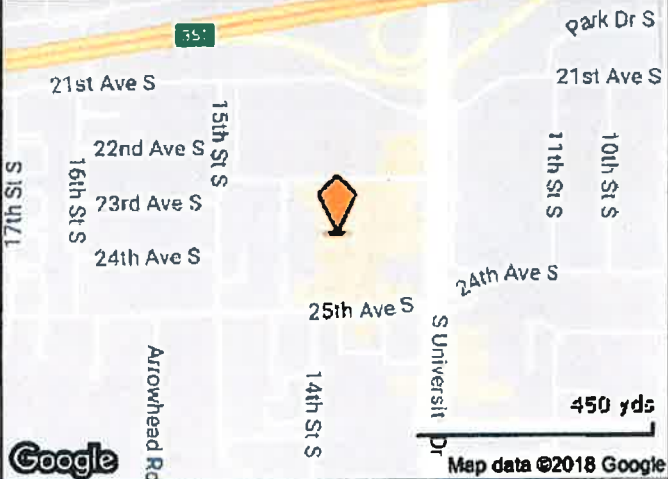
<b>5</b>	<p><b>2800 S Columbia Rd - Macy's - Columbia Mall</b></p> <p><b>Grand Forks, ND 58201</b>                  99,146 SF Retail Department Store (Regional Mall) Building Built in 1977                  Property is for sale at \$1,800,000 (\$18.16/SF)</p>	<p><b>FOR SALE</b></p>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">  </div> <div style="width: 50%;">  </div> </div>				
<b>Sale Contacts</b>				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Sales Co:</b> Century 21 Red River Realty</p> <p>1725 32 Ave                      Grand Forks, ND 58201</p> <p>(701) 746-0303</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>Sales Contact 1:</b> Michael Marcotte                      (701) 746-0303</p> </td> </tr> </table>			<p><b>Sales Co:</b> Century 21 Red River Realty</p> <p>1725 32 Ave                      Grand Forks, ND 58201</p> <p>(701) 746-0303</p>	<p><b>Sales Contact 1:</b> Michael Marcotte                      (701) 746-0303</p>
<p><b>Sales Co:</b> Century 21 Red River Realty</p> <p>1725 32 Ave                      Grand Forks, ND 58201</p> <p>(701) 746-0303</p>	<p><b>Sales Contact 1:</b> Michael Marcotte                      (701) 746-0303</p>			
<b>For Sale Data</b>				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Asking Price:</b> \$1,800,000</p> <p><b>Price/SF:</b> \$18.16</p> <p><b>Days on Market:</b> 64</p> <p><b>Sale Status:</b> Active</p> <p><b>Percent Leased:</b> 0.0% (99,146 SF Avail)</p> <p><b>Tenancy:</b> Multi</p> <p><b>Parcel No:</b> 44131300003000</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>Sale Type:</b> Owner/User</p> <p><b>Bldg Status:</b> Built in 1977</p> <p><b>GLA:</b> 99,146 SF</p> </td> </tr> </table>			<p><b>Asking Price:</b> \$1,800,000</p> <p><b>Price/SF:</b> \$18.16</p> <p><b>Days on Market:</b> 64</p> <p><b>Sale Status:</b> Active</p> <p><b>Percent Leased:</b> 0.0% (99,146 SF Avail)</p> <p><b>Tenancy:</b> Multi</p> <p><b>Parcel No:</b> 44131300003000</p>	<p><b>Sale Type:</b> Owner/User</p> <p><b>Bldg Status:</b> Built in 1977</p> <p><b>GLA:</b> 99,146 SF</p>
<p><b>Asking Price:</b> \$1,800,000</p> <p><b>Price/SF:</b> \$18.16</p> <p><b>Days on Market:</b> 64</p> <p><b>Sale Status:</b> Active</p> <p><b>Percent Leased:</b> 0.0% (99,146 SF Avail)</p> <p><b>Tenancy:</b> Multi</p> <p><b>Parcel No:</b> 44131300003000</p>	<p><b>Sale Type:</b> Owner/User</p> <p><b>Bldg Status:</b> Built in 1977</p> <p><b>GLA:</b> 99,146 SF</p>			
<b>Transaction Notes</b>				
<p>Prime Columbia Mall retail location! Lease possible.</p>				



2800 S Columbia Rd - Macy's - Columbia Mall		FOR SALE	
Property is for sale at \$1,800,000 (\$18.16/SF) (con't)			
Current Retail Information			ID: 10095240
Property Type:	Retail - Department Store (Regional Mall)	GLA:	99,146 SF
Center:	Columbia Mall	Total Avail:	99,146 SF
Bldg Status:	Built in 1977	% Leased:	0.0%
Owner Type:	Individual	Bldg Vacant:	99,146 SF
Zoning:	B2 Shopping Center	Land Area:	10.06 AC
Owner Occupied:	-	Lot Dimensions:	-
		Building FAR:	0.23
Rent/SF/Yr:	\$4.00	No. of Stores:	75
CAM:	-		
Expenses:	2017 Tax @ \$1.00/sf		
Location Information			
Park Name:	Columbia Mall		
County:	Grand Forks		
CBSA:	Grand Forks, ND-MN		
DMA:	Fargo-Valley City, ND-MN		

<b>6</b>	<p><b>2400 Highway 281 S - Buffalo Mall</b> <span style="float: right;"><b>SOLD</b></span></p> <p><b>Jamestown, ND 58401</b></p> <p>Sale on 7/15/2016 for \$3,100,000 (\$14.51/SF) - Research Complete</p> <p>213,575 SF Retail (Community Center) Building Built in 1980</p>
	 <p style="text-align: center;"><b>Google</b></p> <p style="text-align: right; font-size: small;">Map data ©2018 Google</p>
<b>Buyer &amp; Seller Contact Info</b>	
<p><b>Recorded Buyer:</b> BI Jamestown, LLC</p> <p><b>True Buyer:</b> Bon Aviv Investments 720 E Palisade Ave Englewood Cliffs, NJ 07632 (201) 293-0294</p> <p><b>Buyer Type:</b> Developer/Owner-NTL</p> <p><b>Buyer Broker:</b> No Buyer Broker on Deal</p>	<p><b>Recorded Seller:</b> SGO MN Buffalo Mall LLC</p> <p><b>True Seller:</b> Glenborough, LLC Andrew Batinovich 66 Bovet Rd San Mateo, CA 94402 (650) 343-9300</p> <p><b>Seller Type:</b> Developer/Owner-NTL</p> <p><b>Listing Broker:</b> Newmark Knight Frank Thomas Dobrowski (212) 372-0751</p>
<b>Transaction Details</b> <span style="float: right;">ID: 3689931</span>	
<p><b>Sale Date:</b> 07/15/2016 (90 days on market)</p> <p><b>Escrow Length:</b> 60 days</p> <p><b>Sale Price:</b> \$3,100,000-Confirmed</p> <p><b>Asking Price:</b> -</p> <p><b>Price/SF:</b> \$14.51</p> <p><b>Price/AC Land Gross:</b> \$152,035.31</p> <p><b>Percent Leased:</b> 85.0%</p> <p><b>Tenancy:</b> Multi</p> <p><b>No. of Tenants:</b> 18</p> <p><b>Tenants at time of sale:</b> Anytime Fitness; Bison Twin Theaters; C.J. Banks; Chrysler Corporation; Dodge; Fabric &amp; Textile Warehouse; Ford; Glik's; GNC; Home of Economy; JCPenney; Jeep; Lincoln; London Nails; Maurices; Regis Salons; Riddle's Jewelry; Rosenbluth International</p> <p><b>Financing:</b> Down payment of \$3,100,000.00 (100.0%)</p> <p><b>Parcel No:</b> 74-1691000</p>	<p><b>Sale Type:</b> Investment</p> <p><b>Bldg Type:</b> Retail - (Community Center)</p> <p><b>Year Built/Age:</b> Built in 1980 Age: 36</p> <p><b>GLA:</b> 213,575 SF</p> <p><b>Land Area:</b> 20.39 AC (888,188 SF)</p> <p><b>Percent Improved:</b> 85.1%</p> <p><b>Total Value Assessed:</b> \$2,116,650 in 2015</p> <p><b>Improved Value Assessed:</b> \$1,801,650</p> <p><b>Land Value Assessed:</b> \$315,000</p> <p><b>Land Assessed/AC:</b> \$15,448</p>

<b>2400 Highway 281 S - Buffalo Mall</b>		<b>SOLD</b>
213,575 SF Retail (Community Center) Building Built in 1980 (con't)		
Document No: 000000217630	Sale History: Sold for \$3,100,000 (\$14.51/SF) on 7/15/2016 Portfolio sale of 22 properties sold for \$79,000,000 on 10/1/2015	
<b>Transaction Notes</b>		
<p>On July 15, 2016, the 213,575 sf class B retail building at 2400 Highway 281 South - Buffalo Mall in Jamestown, was sold by the recorded seller to the recorded buyer. The recorded buyer paid \$3,100,000.00 in cash/no financing at \$15.00 psf. The sales type was investment with no sales conditions. The building was in escrow for 60 days and building was 85% occupied at the time of sale.</p> <p>The recorded seller confirmed the sales date, sales price, occupancy 85%, listing broker name, and recorded buyer name.</p> <p>The recorded buyer confirmed the sales date, sales price, square footage, occupancy 85 %, and escrow length in days. He confirmed the recorded seller names and the new listing broker who took over the lease listings. The recorded buyer stated that the cap rate was confidential.</p>		
<b>Income Expense Data</b>		
Expenses	- Taxes	\$57,453
	- Operating Expenses	
	Total Expenses	\$57,453
<b>Current Retail Information</b>		ID: 1165673
Property Type: Retail - (Community Center)	GLA: 213,575 SF	
Center: Buffalo Mall	Total Avail: 34,364 SF	
Bldg Status: Built in 1980	% Leased: 83.9%	
Owner Type: Developer/Owner-NTL	Bldg Vacant: 34,364 SF	
Zoning: C-2	Land Area: 20.39 AC	
Owner Occupied: No	Lot Dimensions: -	
	Building FAR: 0.24	
Rent/SF/Yr: \$9.50	No. of Stores: 48	
CAM: -		
Expenses: 2017 Tax @ \$0.25/sf, 2011 Est Tax @ \$0.71/sf; 2011 Est Ops @ \$4.08/sf		
Parking: 1,000 Surface Spaces are available		
Features: Enclosed Mall, Kiosk/Cart Space, Mixed Use, Temporary Tenants		
<b>Location Information</b>		
Cross Street: SWC Hwy 281 S & I-94		
Second Address: 2400 25th St		
Park Name: Buffalo Mall		
County: Stutsman		
CBSA: Jamestown, ND		
DMA: Fargo-Valley City, ND-MN		

<b>7</b>	<p><b>2301 S University Dr - Kmart Plaza Shopping Center</b> <span style="float: right;"><b>SOLD</b></span></p> <p><b>Fargo, ND 58103</b></p> <p>Sale on 9/5/2014 for \$4,963,098 (\$47.20/SF) - Research Complete (Part of Multi-Property)</p> <p>105,156 SF Retail (Neighborhood Center) Building Built in 1964</p>
	
<b>Buyer &amp; Seller Contact Info</b>	
<p><b>Recorded Buyer:</b> GFI Dakota Development, LLC</p> <p><b>True Buyer:</b> Pless &amp; Sauro, PC 1170 Peachtree St Atlanta, GA 30309 (404) 892-2100</p> <p><b>Buyer Broker:</b> David Hicks &amp; Lampert Brokerage Inc. Phil Hicks (303) 694-6082</p>	<p><b>Recorded Seller:</b> Tri-City Associates, LP</p> <p><b>True Seller:</b> Sierra Financial, Ltd. 805 Third Ave New York, NY 10022 (212) 686-1011</p> <p><b>Listing Broker:</b> Newmark Grubb Johnson &amp; Associates Marc Johnson (701) 281-5200</p>
<b>Transaction Details</b> <span style="float: right;">ID: 3123881</span>	
<p><b>Sale Date:</b> 09/05/2014</p> <p><b>Escrow Length:</b> -</p> <p><b>Sale Price:</b> \$4,963,098-Allocated</p> <p><b>Asking Price:</b> -</p> <p><b>Price/SF:</b> \$47.20</p> <p><b>Price/AC Land Gross:</b> \$423,852.26</p> <p><b>Percent Leased:</b> 98.6%</p> <p><b>Tenancy:</b> Multi</p> <p><b>Sale Conditions:</b> Investment Triple Net</p> <p><b>No. of Tenants:</b> 7</p> <p><b>Tenants at time of sale:</b> Bottle Barn Liquors; Check 'n Go; Crown Liquors; Dakota Tire; F M News Bookstore; Holsum Thrift Store; Subway</p> <p><b>Document No:</b> 000001426375</p>	<p><b>Sale Type:</b> Investment</p> <p><b>Bldg Type:</b> Retail - (Neighborhood Center)</p> <p><b>Year Built/Age:</b> Built in 1964 Age: 50</p> <p><b>GLA:</b> 105,156 SF</p> <p><b>Land Area:</b> 11.71 AC (510,066 SF)</p>

<b>2301 S University Dr - Kmart Plaza Shopping Center</b>		<b>SOLD</b>
105,156 SF Retail (Neighborhood Center) Building Built In 1964 (con't)		
<b>Transaction Notes</b>		
<p>On September 5th, 2014 Tri-City Associates, LP sold the shopping center located at 2301 and 2253 S University Dr. in Fargo, ND to GFI Dakota Development, LLC for \$ 5,150,000 or \$47.20 per square foot.</p> <p>The subject property is a 109,000 square foot neighborhood center. The property is anchored by KMart until 2019. The buer indicated after 2019 KMart has many options to extend their lease.</p> <p>The transaction was verified by public record and the buyer.</p>		
<b>Current Retail Information</b>		ID: 1174682
Property Type:	<b>Retail - (Neighborhood Center)</b>	GLA: <b>105,156 SF</b>
Center:	<b>Kmart Plaza Shopping Center</b>	Total Avail: <b>0 SF</b>
Bldg Status:	<b>Built in 1964</b>	% Leased: <b>100.0%</b>
Owner Type:	-	Bldg Vacant: <b>0 SF</b>
Zoning:	-	Land Area: <b>11.71 AC</b>
Owner Occupied:	-	Lot Dimensions: -
		Building FAR: <b>0.21</b>
Rent/SF/Yr:	-	No. of Stores: <b>9</b>
CAM:	-	
Street Frontage:	<b>682 feet on University</b>	
Expenses:	<b>2008 Tax @ \$0.97/sf, 2012 Est Tax @ \$1.50/sf; 2012 Est Ops @ \$1.75/sf</b>	
Features:	<b>Energy Star Labeled</b>	
<b>Location Information</b>		
Park Name:	<b>Kmart Plaza Shopping Center</b>	
County:	<b>Cass</b>	
CBSA:	<b>Fargo, ND-MN</b>	
CSA:	<b>Fargo-Wahpeton, ND-MN</b>	
DMA:	<b>Fargo-Valley City, ND-MN</b>	



4500

# APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Company name (LLC, Inc): Beerfish LLC

Doing business as: Beerfish

Business address (location): 230 Roberts Alley North

Mailing address: 226 Broadway Fargo, ND 58102

Business e-mail address: bertrambot@gmail.com

Phone number: (701) 235-5913 Other number: ( ) \_\_\_\_\_

**The following section to be completed by City Staff:**

Date Received by Auditor's Office: 6/15/18

Investigations Fee Paid (\$250)  Yes  No Date Paid: 6/15/18 Check # 21980

Reviewed – Police Department by: \_\_\_\_\_ Date: \_\_\_\_\_

Comments (or see attached report):

\_\_\_\_\_ Approval Recommendation

\_\_\_\_\_ Denial Recommendation

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date

Reviewed – Liquor Control Committee on (date): \_\_\_\_\_

\_\_\_\_\_ Approval Recommendation

\_\_\_\_\_ Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date): \_\_\_\_\_

\_\_\_\_\_ Approval

\_\_\_\_\_ Denial

**This application is for the Class or Classes of Licenses checked:**

- Class A Authorizes the licensee to sell "on-sale" only.
- Class B Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- Class B "Limited" Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof. License is Non Transferable.
- Class AB Authorizes the licensee to sell "on-sale" or "off-sale". "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- Class ABH Authorizes the licensee to sell "on-sale" or "off-sale", at hotels & motels with 100 or more guest rooms only.
- Class ABH "Limited" Authorizes license may be issued to persons engaging in "on-sale" of beer and wine or hosting "manager's specials," solely for guests or patrons of extended stay and limited service hotels or motels
- Class ABH-RZ Authorizes the licensee to sell "on-sale" or "off-sale", to hotel guests in a Renaissance Zone with 15 guestrooms.
- Class C Authorizes the licensee to sell beer "on-sale" only. No food sales required. Physical bar is allowed.
- Class D Authorizes the licensee to sell beer "off-sale" only.
- Class DD License shall only be issued to a domestic distillery owner or operator who has obtained a license from the ND State Tax Commissioner. No food sales required.
- Class E In nature of a special permit, shall authorize the holder of an existing "on-sale" license in the sale of On-sale only alcoholic beverages on such premises designated on the permit.
- Class F Authorizes the licensee to sell "on-sale" only served at table or booth; no bar allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- Class FA Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- Class FA-Golf On USGA Golf Course or 9 or more holes. Requires 25% receipts of food sales from April to October and 50% the rest of the year.
- Class FA-Entertainment Authorizes the licensee to sell "on-sale" only, in a place of amusement or in a recreational establishment. Requires non-alcoholic sales to exceed alcohol sales.
- Class G Authorizes the licensee to sell wine and sparkling wine "on-sale" only, served at table or booth, no bar. Requires 50% food sales.

- ( ) Class H Authorizes the licensee to sell beer "on-sale" only, served at table or booth, with no bar allowed and requires 50% food sales.
- ( ) Class I Authorizes the licensee to sell beer, wine, and sparkling wine "on-sale" only. A physical bar is allowed and requires 65% food sales.
- ( ) Class I Entertainment Authorizes the Licensee to sell "on-sale" only of beer, wine and sparkling wine in a recreational establishment or place of amusement. A physical bar is allowed and 65 % of non-alcohol sales required.
- ( ) Class J Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.
- ( ) Class L Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.
- ( ) Class M Authorizes the licensee to operate a Microbrew Pub or Domestic Winery and sell "on-sale" and "off-sale" offered in conjunction with another license. Allows the sale of Growlers.
- ( ) Class N Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2500.
- ( ) Class O Authorizes the licensee to operate a winemaker and/or vendor of winemaking supplies and related services.
- ( ) Class P Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale". Allows limited beer sales.
- ( ) Class RZ-V Authorizes the licensee to sell "on-sale" only, located in an approved Renaissance Zone. The venue should be designed and intended to be used as a private event center or entertainment venue with square footage of at least 10,000 square feet and capacity of at least 300 people. The Venue must derive 60% or more of its annual gross receipts from the sale of tickets.
- ( ) Class W Authorizes the licensee to sell wine and sparkling wine "on-sale" only. A physical bar is allowed and no food sales required.
- ( ) Class Y Shall authorize the production brewery to obtain a brewer license and a retailer license. Must be licensed by the State Tax Commissioner. No food sales required.
- ( ) Class Z Authorizes the licensee to sell "on-sale" only issued to individuals not currently holding another "A", "AB", "ABH", or "ABH-RZ". A physical bar is allowed and no food sales required.



The following section to be completed by the applicant:

ALL APPLICANTS must initial #1 - #9 and sign in the space provided below.

1. BM All applicants must assure there is adequate off-street parking for my business (within the direction of and as approved by the City Commission). Membership in the current City parking program (e.g. "P.O.P") may place me in compliance with this requirement.

2. BM I have received a copy of the Alcoholic Beverage Ordinance(s) of the City of Fargo, read the ordinances and am familiar with the conditions and requirements of these ordinances.

3. BM If granted an alcoholic beverage license, I will obey, abide by and comply with the State of North Dakota Liquor Control Act, and the City of Fargo Alcoholic Beverage ordinances, as well as any amendments to either of these, which may be made from time to time.

4. BM I understand either, I, my manager(s), or both of us must attend a yearly meeting (date and time to be announced) with representatives from the Police and Health departments to discuss law enforcement and safety concerns as a condition of license renewal.

5. BM I understand that the premises described in the application, if licensed for alcoholic beverage sales, may be inspected at any time by the Chief of Police, or any officer of the Police or Health Departments as allowed by city ordinances and state law. My employees and I will cooperate with such inspections.

6. BM I understand that all employees, managers and owners engaged in mixing, pouring or service of alcoholic beverages MUST attend Server Training.

7. BM I am familiar with the question, answers and other information as it appears in the complete application of an alcoholic beverage license, and the answers and information are, to the best of my belief and knowledge, true, complete and accurate. (Note: This application must be made under oath before a Notary Public.)

8. BM I recognize the City of Fargo is subject to open records laws contained in chapter 44-04 of the N.D. Century Code. Section 44-04-18.4 contains an exception for trade secrets, proprietary, commercial, and financial information. I agree in submitting the application, that I have familiarized myself with this law. If any information being forwarded to the City of Fargo is claimed as confidential or proprietary under this section, I must clearly indicate this in writing when I submit this application, pointing out, in detail, why the information submitted is claimed as an exemption under section 44-04-18.4. I further agree to respond to, as well as to aid the City, in responding to any claim under 44-04-21.1 concerning this claim of confidentiality under 44-04-18.4.

9. BM I understand that the license will expire on June 30 of each year and a renewal process will need to be completed. This process will include a completed renewal application, payment in full for the required annual fee, a completed roster for each employee who pours or serves alcohol, attendance of Server Training for those listed on the roster, and a copy of your certified food sales if applicable to your license.

Applicant printed name: Lisa Meyers Signature: Lisa Meyers

Applicant printed name: Bertram Meyers Signature: [Signature]

Applicant printed name: Klaus Meyers Signature: [Signature]

**Applicant Information:** (2 pages)

Name: Lisa marie Meyers Richter  
(first) (middle) (last) (maiden name)

Address: 71 6th Ave. N. Fargo ND 58102  
(address) (city) (state & zip)

How long have you lived at this address? 3 1/2 years.

Provide your address history for the past 5 years:

From 2009 to Sept. 2014 Address: 1605 8th St. N. Fargo, ND 58102

From 9/2014 to current Address: 71 6th Ave. S. Fargo, ND 58102

E-mail address: wurstbierhall@gmail.com

Home phone number: (701) 200-5744 Other number: (701) 200-5744

Date of Birth: 3/30/1976 Place of Birth: Staples, MN

List each driver's license you have ever had and the state of issue:

DL#: RIC-76-2597 State of Issue: ND Dates: 1997<sup>(est.)</sup>-current

DL#: unknown State of Issue: MN Dates: 1992-1997<sup>(est.)</sup>

Has your driver's license ever been suspended or revoked?        Yes  No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?  
       Yes  No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed)        Yes  No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Have you been issued a citation for any alcohol-related offense?        Yes  No  
If "yes", provide the date of arrest, location, charge of each conviction.

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List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in: I had a GH in 2005 is used at Bertrosa's.

I currently hold a C and FARZ which were for Wurst Bier Hall.

My husband holds a Z license for Dempsey's Public House  
Have any of the above named licenses ever been suspended or revoked? \_\_\_ Yes  No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 2014 to current Business name: Wurst Bier Hall

Address: 630 1st Ave N., Fargo Position/Title: President

From: 2006 to 2013 Business name: Dempsey's Public House

Address: 226 Broadway, Fargo Position/Title: server/bartender

From: 2007 to 2012 Business name: Bertrosa's Inc.

Address: 118 Broadway, Fargo Position/Title: Owner/operator

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?

Yes \_\_\_ No If "yes", list each business below:

I am majority owner of Wurst Bier Hall (President)

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?

\_\_\_ Yes  No If "yes", indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol?

Yes \_\_\_ No If "yes", describe below:

I owned and operated Bertrosa's for 5+ years. with a liquor license

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

**Operator/Manager Information**

Are you going to operate/manage this business personally?

Yes  No If "no", who will operate/manage it?

Name:

\_\_\_\_\_

(first) (middle) (last) (maiden name)

Address:

\_\_\_\_\_

(address) (city) (state & zip)

Home phone number: (\_\_\_\_) \_\_\_\_\_ Other number (\_\_\_\_) \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

**(Important:** The name and other information about your manager must be provided before a license can be issued. If the manager changes during the course of the license period, you must provide the City Auditor's Office with updated information about the new manager immediately.)

**Applicant Information:** (2 pages)

Name: Bertram Fredrick Meyers  
(first) (middle) (last) (maiden name)

Address: 71 6th Ave. N. Fargo ND 58102  
(address) (city) (state & zip)

How long have you lived at this address? 3 1/2 years

Provide your address history for the past 5 years:

From 2009 to 2014 Address: 1605 8th St. N. Fargo, ND 58102

From 2014 to current Address: 71 6th Ave. N. Fargo ND 58102

E-mail address: bertrambot@gmail.com

Home phone number: (701) 306-7602 Other number: ( )

Date of Birth: 7/6/69 Place of Birth: Chicago, IL

List each driver's license you have ever had and the state of issue:

DL#: MEY-69-4186 State of Issue: ND Dates: 1989<sup>(est)</sup> - current

DL#: unknown State of Issue: MN Dates: 1985-1989<sup>(est)</sup>

Has your driver's license ever been suspended or revoked?      Yes X No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?  
     Yes X No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" - and therefore must be listed)      Yes X No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Have you been issued a citation for any alcohol-related offense? X Yes      No  
If "yes", provide the date of arrest, location, charge of each conviction.

Loud party citation in 2006  
37 South Terrace, Fargo ND

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

I hold a 'Z' license for Dempsey's Public House and own 9% of Wurst Bier Hall which has an FARZ license.

Have any of the above named licenses ever been suspended or revoked?  Yes  No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 2006 to current Business name: Dempsey's Public House

Address: 226 Broadway Fargo Position/Title: President

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?

Yes  No If "yes", list each business below:

- Dempsey's Public House
- Wurst Bier Hall

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?

Yes  No If "yes", indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol?

Yes  No If "yes", describe below:

I own Dempsey's Public House.

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

**Applicant Information:** (2 pages)

Name: Klaus Karl Meyers  
(first) (middle) (last) (maiden name)

Address: 1012 4th St. N. Fargo ND 58102  
(address) (city) (state & zip)

How long have you lived at this address? 8 years

Provide your address history for the past 5 years:

From \_\_\_\_\_ to \_\_\_\_\_ Address: \_\_\_\_\_

From 2000 to current Address: 1012 4th St. N. Fargo ND 58102

E-mail address: \_\_\_\_\_

Home phone number: (701) 200-7363 Other number: (\_\_\_\_) \_\_\_\_\_

Date of Birth: 7/6/69 Place of Birth: Chicago, IL

List each driver's license you have ever had and the state of issue:

DL#: MEY-69-2761 State of Issue: ND Dates: 1990 - current (est.)

DL#: unknown State of Issue: MN Dates: 1985-1990 (est.)

Has your driver's license ever been suspended or revoked? \_\_\_\_\_ Yes  No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?  
\_\_\_\_\_ Yes  No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" - and therefore must be listed) \_\_\_\_\_ Yes  No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Have you been issued a citation for any alcohol-related offense? \_\_\_\_\_ Yes  No

If "yes", provide the date of arrest, location, charge of each conviction.

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

I hold a Z license with Bert Meyers for Dempsey's Public House.

Have any of the above named licenses ever been suspended or revoked?  Yes  No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 2006 to Current Business name: Dempsey's Public House

Address: 226 Broadway Fargo Position/Title: Vice President

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?

Yes  No If "yes", list each business below:

Wurst Bier Hall

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?

Yes  No If "yes", indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol?

Yes  No If "yes", describe below:

I own Dempsey's Public House

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.



On this page (or on attached pages if additional space is needed), provide a detailed diagram and description of the design, location, and square footage of the premises to be licensed.

- The scale should be stated, such as 1" = 20'. The direction N should be indicated towards the top.
- The diagram should include placement of all pertinent features of the interior of the licensed premises, such as seating areas, kitchens, offices, repair areas, restrooms, etc. The exterior parking area should also be shown.

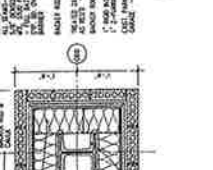
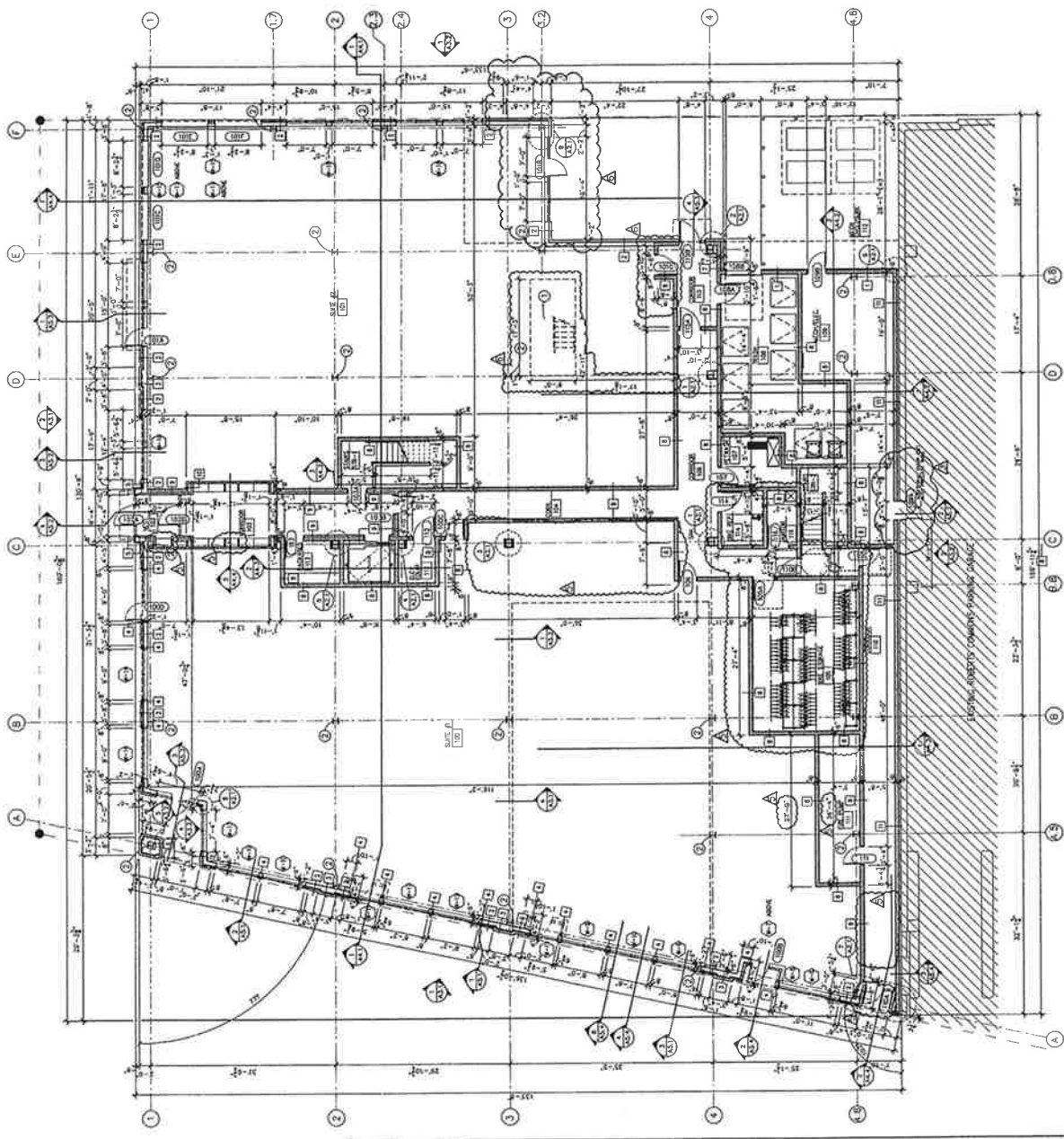
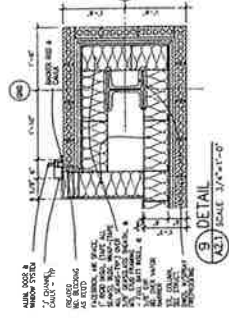
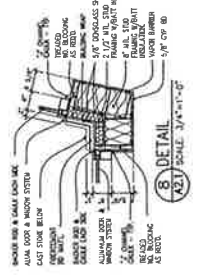
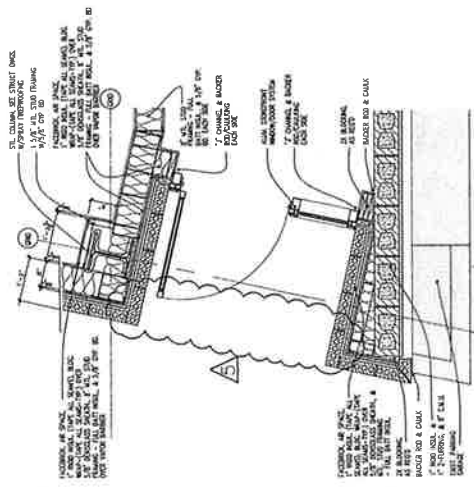
*See attached*

**SHEET A2.1 - FIRST FLOOR PLAN GENERAL NOTES:**

1. ALL EXISTING WALLS AND EXTERIOR DOORS SHALL BE MAINTAINED UNLESS OTHERWISE NOTED.
2. ALL NEW WALLS SHALL BE CONCRETE OR CMU WITH 1/2" GYPSUM BOARD FINISH UNLESS OTHERWISE NOTED.
3. ALL NEW DOORS SHALL BE 1 3/4" MIN. CLEARANCE UNDER DOOR.
4. ALL NEW DOORS SHALL BE 1 3/4" MIN. CLEARANCE UNDER DOOR.
5. ALL NEW DOORS SHALL BE 1 3/4" MIN. CLEARANCE UNDER DOOR.
6. SEE CODE SHEET FOR FIRE EXTINGUISHER/CABINET LOCATION.
7. SEE CODE SHEET FOR FIRE EXTINGUISHER/WALL MOUNT LOCKER.

**SHEET A2.1 - FIRST FLOOR PLAN NOTES:**

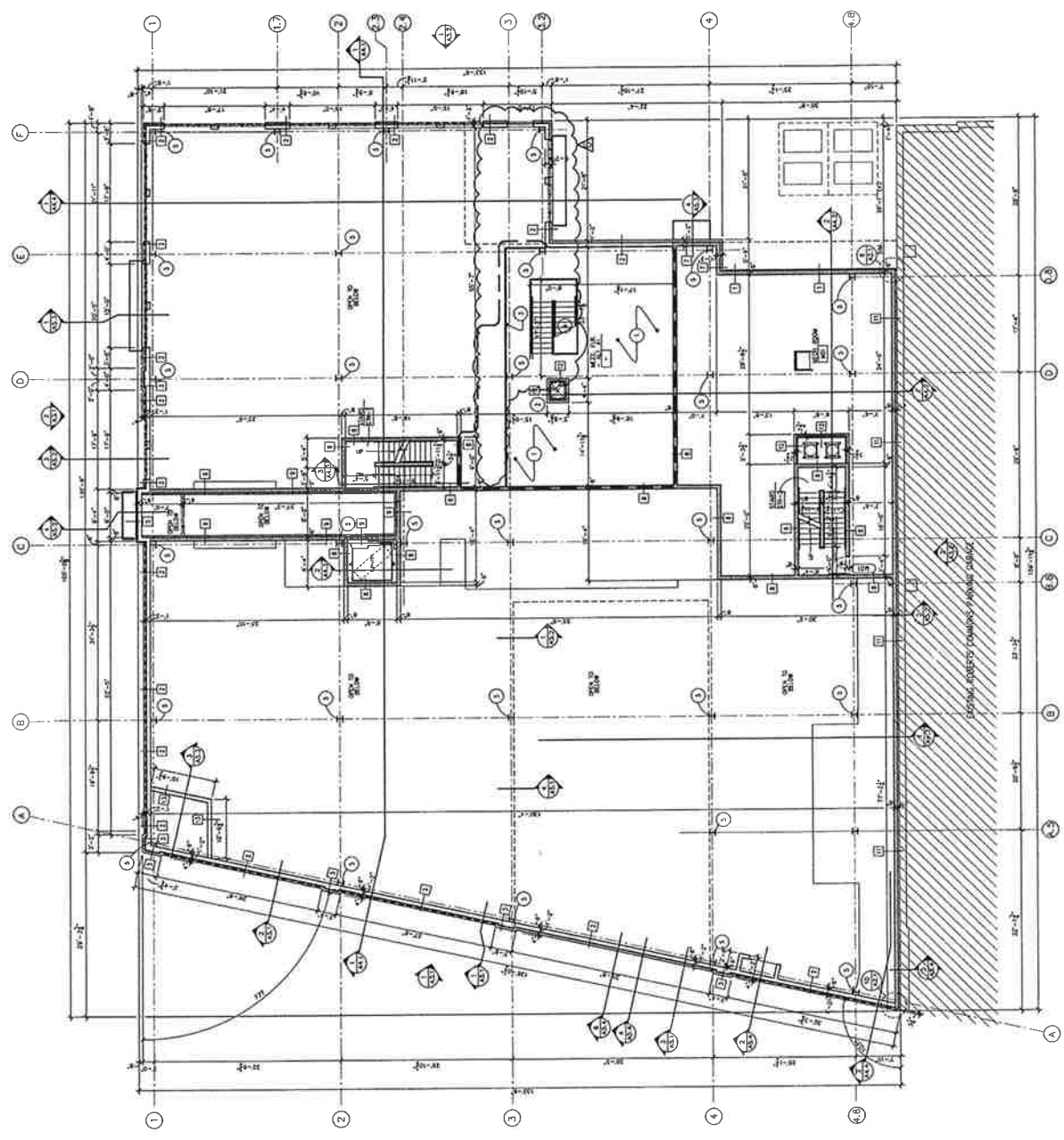
1. FINISHES TO BE SHOWN AS NOTED.
2. FINISHES TO BE SHOWN AS NOTED.
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10. FINISHES TO BE SHOWN AS NOTED.

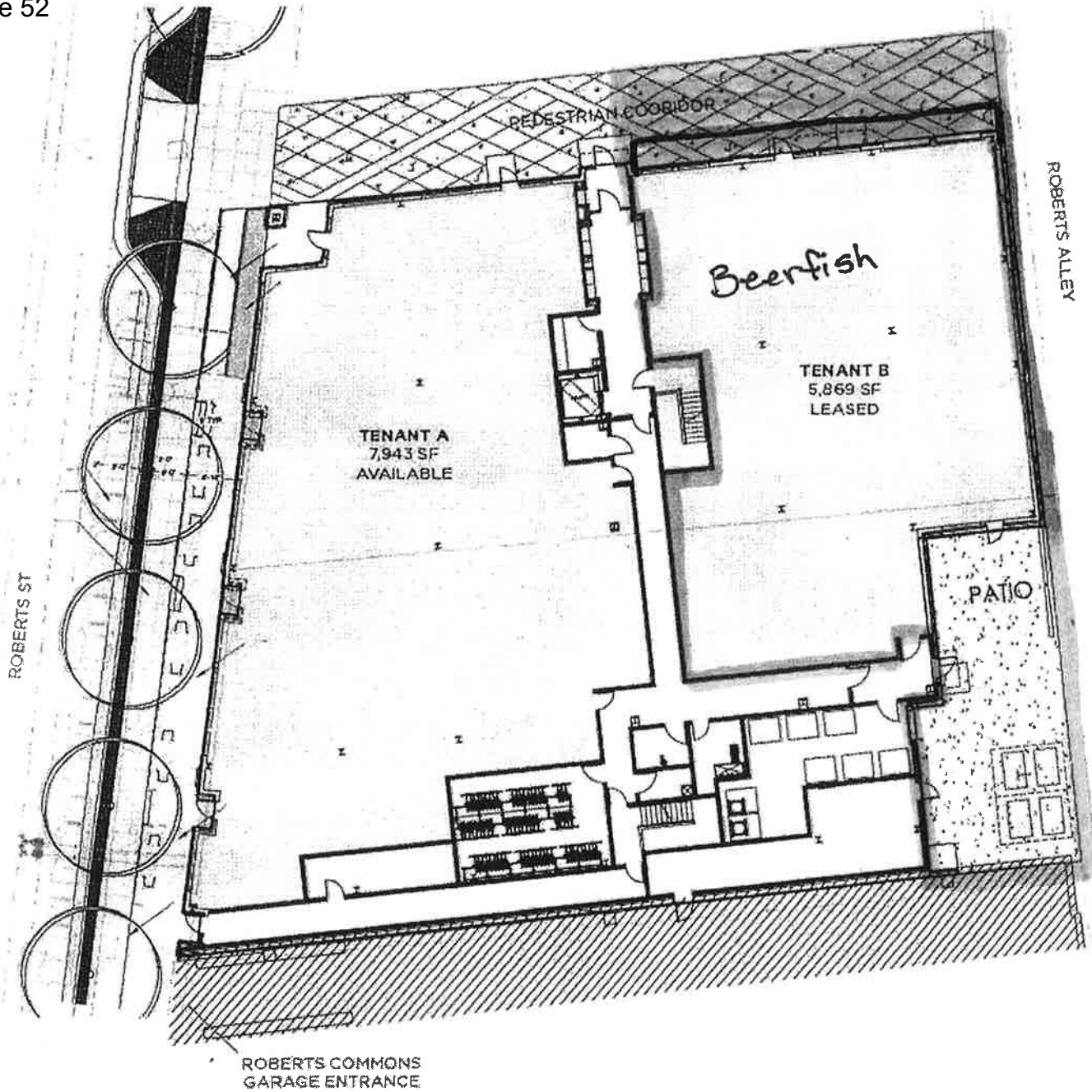


**MEZZANINE FLOOR PLAN**  
 SCALE: 1/8"=1'-0"

- SHEET A2.2 - MEZZANINE FLOOR PLAN GENERAL NOTES:**
1. ALL NEW WALLS, PARTITIONS, DOORS, WINDOWS, OR FAZE OF NEW
  2. ALL NEW PARTITION WALLS TO BE 3/8" METAL STUDS WITH 20.00
  3. ALL NEW PARTITION WALLS TO BE 1/2" METAL STUDS WITH 20.00
  4. HATCHED INDICATES NEW WALL
  5. HATCHED INDICATES NEW METAL STUD WALL
  6. SEE CODE SHEET FOR FIRE EXTINGUISHER/CABINET LOCATIONS
  7. SEE CODE SHEET FOR FIRE EXTINGUISHER/WALL MOUNT LOCATIONS

- SHEET A2.2 - MEZZANINE FLOOR PLAN NOTES:**
1. ALTERNATE A2 - CONCRETE FLOOR SYSTEM - SEE
  2. ALTERNATE A2 - 1/2" COP OR 3/4" METAL STUD WALL
  3. METAL STUD WALL, 1/2" COP OR 3/4" METAL STUD WALL SYSTEM
  4. BUILDING CODE - 12" HIGH CONDITION TO MEET
  5. BUILDING CODE - 12" HIGH CONDITION TO MEET
  6. BUILDING CODE - 12" HIGH CONDITION TO MEET
  7. BUILDING CODE - 12" HIGH CONDITION TO MEET
  8. BUILDING CODE - 12" HIGH CONDITION TO MEET
  9. BUILDING CODE - 12" HIGH CONDITION TO MEET

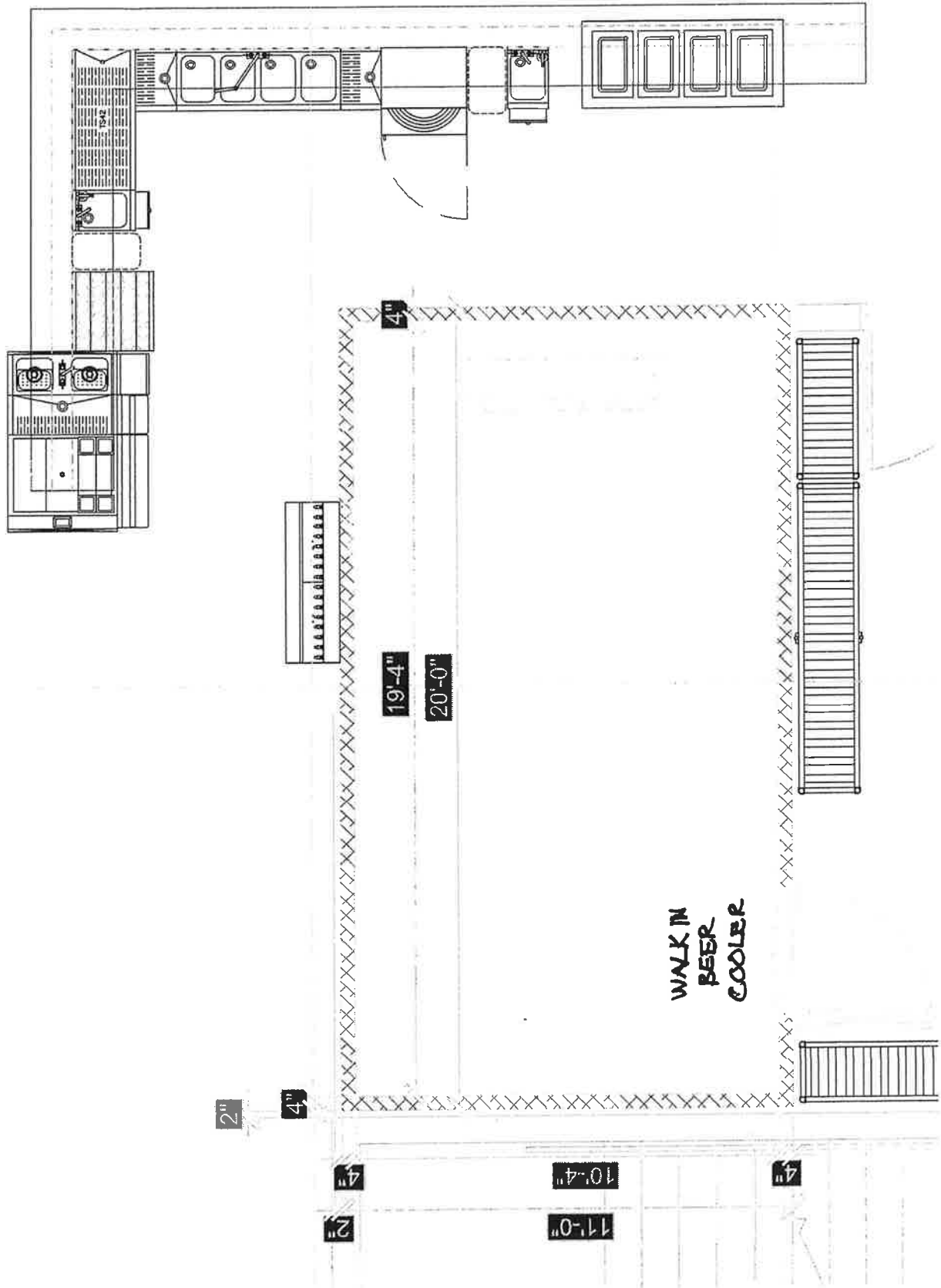




Cam Knutson  
Business Development Manager  
o. 701-237-2279  
c. 701-220-4124



Realtor  
Kilbourn Commercial Real Estate  
210 Broadway | Suite 300 | Fargo, ND 58102  
www.kilbournegroup.com  
Facebook | Twitter



Operational and Financial Issues

Briefly describe your business concept, including your analysis of how this model fits into the proposed location (i.e., describe the suitability of the "fit" into the existing neighborhood or business area).

(Use additional pages if necessary)

see attached business plan

Describe in detail how you intend to address/prevent each of the following concerns at your Business:

(Use additional pages if necessary)

Over-serving, intoxicated or disorderly patrons:

Every employee will attend server training.

Safety and security issues, including crowd control:

There will always be a manager on duty who can recognize when we are at capacity. In addition, we've had years of experience with crowd control.

Minors on the premises, including consumption by minors:

Minors will only be allowed in with a parent or legal guardian.

Noise concerns, especially from nearby residences of other businesses:

We are working with sound architects to prevent excessive noise and if it becomes an issue we will address it.

Do you plan to feature live entertainment?  Yes  No If "yes", describe what you envision at the time, including how often such entertainment will take place.

BeerFish Co.

Downtown Fargo is getting its first fish and chip shop. BeerFish Co. is a new casual dining destination in the heart of Downtown Fargo offering fresh, high-quality fish and seafood dishes, along with some Fargo menu favorites and dozens of tap beers. We bring the freshest fish and chips, fine seafood dishes, and a huge selection of tap beers, wines on tap and specialty Tiki cocktails to downtown Fargo in a unique urban setting you'll want to spend time in. Locals and visitors alike will find BeerFish Co. to be a casual local restaurant, perfect for spending time with friends and family, while enjoying a menu designed to fill the holes in Downtown Fargo's dining options.

The family team behind local favorites Dempsey's Public House and Wurst Bier Hall are bringing it to you. Fargo famous entrepreneurs Bert and Lisa Meyers and Klaus Meyers love beer and they love fish. BeerFish Co. is sure to become one of your favorite downtown Fargo hangouts.

### **Problem Worth Solving**

Through our experience with current customers at our existing establishments, we know that fresh, high-quality fish and seafood are in demand in the downtown Fargo area. Every day hundreds of office workers from local businesses are looking for new lunch and dinner options that are delicious and affordable in a fun, unique environment. For all of that demand though, there are just a couple fish and seafood restaurants in the Fargo Moorhead MSA and none in the downtown restaurant district.

### **Our Solution**

BeerFish Co. is a family-friendly fish and chip shop offering a variety of fresh fish, seafood dishes, oysters on the half shell, and so much more. BeerFish Co. is open 7 days a week from 11 a.m. to midnight. We are located in the heart of downtown Fargo, directly north of the new Roberts Commons Parking Garage which offers free parking after 3 p.m. and on weekends.

### **Target Market**

We expect our strongest market segments to be young professionals, college students and families, as well as those who spend weekend evenings at downtown shows, concerts and other events. Thousands of square feet of new office space is under development within walking distance of our site, which equates to an influx of hundreds of new office workers over the next couple years.

### **Current Alternatives**

Only two restaurants focused mainly on seafood exist to serve the 250,000 people of Fargo Moorhead. Deep Blue Seafood is the closest competitor and it is a 20-minute drive from the downtown Fargo restaurant and entertainment district. Red Lobster is the other and is a



national chain found in nearly every metropolitan area across the country. This leaves a giant gap in our region for those who love and crave a great seafood dinner.

### **Our Advantages**

BeerFish Co. offers a unique combination of advantages that are unmatched by our competitors. Compared to other casual eateries, we differentiate ourselves by offering a unique cuisine option: we are a fresh fish and chip shop. Our beer-battered and fried fish is the legendary recipe of our mother, Rosa Bischoff, who for years served up the best fried fish the Iron Range of Minnesota had ever seen at her own family restaurant. Choose your tarter: we'll have dill, chipotle, sriracha, and garlic to name a few.

Our fresh cut fries are crispy on the outside, fluffy on the inside. Or choose ribbon chips served with classic French onion dip you loved when you were a kid.

Looking for something a bit finer? Our menu features oysters on the half shell, fresh seafood appetizers and pastas, including lobster mac and cheese, and clam chowder. There are also vegetarian and vegan options, along with the international flavor of chicken tikka masala, great burgers, and Bert's Famous Beer Cheese Soup.

The centerpiece of BeerFish Co. is the handcrafted bar offering extensive tap options, wine kegs, and Downtown Fargo's first Tiki drink menu.

Our extensive restaurant experience creating unique environments reflecting Fargo's culture, creativity and desire for connection is an advantage we have over competitors. The iterations of Bertrosa's, and today's Dempsey's and Wurst are loved by locals and visitors alike. The pub atmosphere filled with our own handmade furniture and community seating options have served as a draw for people seeking great conversation with their great food and drink. BeerFish Co. will mesh the feeling of a North Pacific eatery with the urban alley of our lively Downtown Fargo neighborhood.

The setting of Beerfish Co. will be as unique and exceptional as its menu. BeerFish Co. will feature Fargo's first open air dining room for enjoying your fish and brew in the warm weather. The front door, surrounded by an outdoor patio, will be directly across Roberts Alley from the entrance of Dempsey's. Roberts Alley is in the midst of a revitalization with brand new storefronts opening and infrastructure upgrades occurring. Long a draw to local artists, whimsical new public artwork continues to surprise those exploring Roberts Alley. The open-air dining of BeerFish Co. is bordered by a private alley to the North, allowing for mood lighting, greenery, and flowers. It will be unlike any dining experience Fargo has seen.

## Marketing Plan

We are eager to open BeerFish Co. in August of 2019. Our co-founders and business leaders, Bert and Lisa Meyers and Klaus Meyers, and future general managers Sebastian Ramos and Chris Nelson, are working hard to get the word out.

We are in the process of creating a website, along with social media accounts on Facebook, Instagram and Twitter. BeerFish Co. will accept the highly successful Downtown Fargo Gift Card and has well developed relationships with The Fargo Forum, Fargo Underground and the Downtown Community Partnership.

We have a built in target market with Dempsey's Public House customers right across the alley and plan to cross promote the businesses.

## Renaissance Zone Benefits

The RZ will provide the following two benefits:

- Income Tax
  - \$500,000 of eligible income can be exempted per year for ND Income Tax
  - This is reduction of taxable income and is not a tax credit
  - Benefit is for 5 years
  - Only the portion of the taxpayer's North Dakota business that is attributable to the specific property is eligible
- Property Tax
  - The RZ will abate the building's property tax (improvement value only) for five years
  - Because your lease is NNN your space would be responsible for your pro rata share of property taxes
  - This benefit is estimated at \$8,652 (5,768SF @ \$1.50).

What is your total **business** indebtedness for the entity, excluding lease costs? \$1,000,000

Does any one creditor represent more than 10% of that sum?  Yes  No

If "yes", list each creditor below. (Total must equal 100%)

<u>Name</u>	<u>Address</u>	<u>Phone #</u>	<u>% Owed</u>
<u>Town + Country Credit Union</u>	<u>5181 38<sup>th</sup> St. S. Fargo, ND 58104</u>	<u>701-356-1810</u> <u>Kevin Fitz</u>	<u>70%</u>
_____	_____	_____	_____
_____	_____	_____	_____

Have you ever filed a petition of bankruptcy?  Yes  No  
If "yes", when and what were the circumstances?

**Please list at least three business references:**

<u>Name</u>	<u>Address</u>	<u>Phone #</u>
<u>Reinhart Food Service</u>	<u>13400 Commerce Blvd, Rogers, MN</u>	<u>(800) 718-3966</u>
<u>Johnson Brothers</u>	<u>1358 39<sup>th</sup> St. N. Fargo, ND</u>	<u>701-277-1499</u>
<u>Bergseth Brothers</u>	<u>1211 47<sup>th</sup> St. N. Fargo, ND</u>	<u>701-232-8818</u>

Is this application for a motel or hotel with 100 or more guest rooms?  Yes  No

Is this application for a lodge or club?  Yes  No

If "yes", number of members in good standing \_\_\_\_\_

Date of organization incorporation \_\_\_\_\_

If applicant is a **CORPORATION OR LLC**, complete this portion:

STATE OF NORTH DAKOTA )  
  )ss.  
County of Cass                    )

Bert Meyers and Lisa Meyers do hereby swear that they are the President and Secretary, respectively of Corporation which is the Applicant named above; that they have read the application and know the contents thereof; that the information contained and offered therein is true and correct to the best their knowledge.

Beerfish LLC

Name of Corporation

(Corporate Seal)

[Signature]

President's Signature

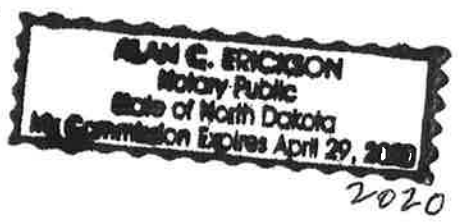
Lisa Meyers

Secretary's Signature

Subscribed and Sworn before me this 15 day of June, 2018

[Signature]

Notary Public



(SEAL)



456

# APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Company name (LLC, Inc): Drekker Brewing Company LLC

Doing business as: Drekker Brewing Company LLC

Business address (location): 1632 1st Ave N, Fargo, ND 58102

Mailing address: 630 1st Ave N Ste 6, Fargo, ND 58102

Business e-mail address: info@drekkerbrewing.com

Phone number: ( 701 ) 540-6808 Other number: ( 701 ) 388-2388

**The following section to be completed by City Staff:**

Date Received by Auditor's Office: 6/29/18

Investigations Fee Paid (\$250)  Yes  No Date Paid: 6/29/18 Check # 3020

Reviewed – Police Department by: \_\_\_\_\_ Date: \_\_\_\_\_

Comments (or see attached report):

\_\_\_\_\_ Approval Recommendation \_\_\_\_\_ Denial Recommendation

\_\_\_\_\_  
Chief of Police Date

Reviewed – Liquor Control Committee on (date): \_\_\_\_\_

\_\_\_\_\_ Approval Recommendation \_\_\_\_\_ Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date): \_\_\_\_\_

\_\_\_\_\_ Approval \_\_\_\_\_ Denial

**This application is for the Class or Classes of Licenses checked:**

- ( ) Class A Authorizes the licensee to sell "on-sale" only.
- ( ) Class B Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- ( ) Class B "Limited" Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof. License is Non Transferable.
- ( ) Class AB Authorizes the licensee to sell "on-sale" or "off-sale". "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- ( ) Class ABH Authorizes the licensee to sell "on-sale" or "off-sale", at hotels & motels with 100 or more guest rooms only.
- ( ) Class ABH "Limited" Authorizes license may be issued to persons engaging in "on-sale" of beer and wine or hosting "manager's specials," solely for guests or patrons of extended stay and limited service hotels or motels
- ( ) Class ABH-RZ Authorizes the licensee to sell "on-sale" or "off-sale", to hotel guests in a Renaissance Zone with 15 guestrooms.
- ( ) Class C Authorizes the licensee to sell beer "on-sale" only. No food sales required. Physical bar is allowed.
- ( ) Class D Authorizes the licensee to sell beer "off-sale" only.
- ( ) Class DD License shall only be issued to a domestic distillery owner or operator who has obtained a license from the ND State Tax Commissioner. No food sales required.
- ( ) Class E In nature of a special permit, shall authorize the holder of an existing "on-sale" license in the sale of On-sale only alcoholic beverages on such premises designated on the permit.
- ( ) Class F Authorizes the licensee to sell "on-sale" only served at table or booth; no bar allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- ( ) Class FA Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- ( ) Class FA-Golf On USGA Golf Course or 9 or more holes. Requires 25% receipts of food sales from April to October and 50% the rest of the year.
- ( ) Class FA-Entertainment Authorizes the licensee to sell "on-sale" only, in a place of amusement or in a recreational establishment. Requires non-alcoholic sales to exceed alcohol sales.
- ( ) Class G Authorizes the licensee to sell wine and sparkling wine "on-sale" only, served at table or booth, no bar. Requires 50% food sales.

- ( ) Class H Authorizes the licensee to sell beer "on-sale" only, served at table or booth, with no bar allowed and requires 50% food sales.
- ( ) Class I Authorizes the licensee to sell beer, wine, and sparkling wine "on-sale" only. A physical bar is allowed and requires 65% food sales.
- ( ) Class I Entertainment Authorizes the Licensee to sell "on-sale" only of beer, wine and sparkling wine in a recreational establishment or place of amusement. A physical bar is allowed and 65 % of non-alcohol sales required.
- ( ) Class J Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.
- ( ) Class L Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.
- ( ) Class M Authorizes the licensee to operate a Microbrew Pub or Domestic Winery and sell "on-sale" and "off-sale" offered in conjunction with another license. Allows the sale of Growlers.
- ( ) Class N Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2500.
- ( ) Class O Authorizes the licensee to operate a winemaker and/or vendor of winemaking supplies and related services.
- ( ) Class P Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale". Allows limited beer sales.
- ( ) Class RZ-V Authorizes the licensee to sell "on-sale" only, located in an approved Renaissance Zone. The venue should be designed and intended to be used as a private event center or entertainment venue with square footage of at least 10,000 square feet and capacity of at least 300 people. The Venue must derive 60% or more of its annual gross receipts from the sale of tickets.
- ( ) Class W Authorizes the licensee to sell wine and sparkling wine "on-sale" only. A physical bar is allowed and no food sales required.
- Class Y Shall authorize the production brewery to obtain a brewer license and a retailer license. Must be licensed by the State Tax Commissioner. No food sales required.
- ( ) Class Z Authorizes the licensee to sell "on-sale" only issued to individuals not currently holding another "A", "AB", "ABH", or "ABH-RZ". A physical bar is allowed and no food sales required.

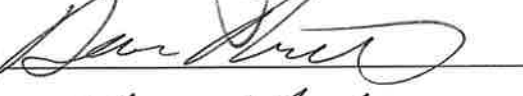
**The following section to be completed by the applicant:**


**ALL APPLICANTS** must initial #1 - #9 and sign in the space provided below.

1. JF All applicants must assure there is adequate off-street parking for my business (within the direction of and as approved by the City Commission). Membership in the current City parking program (e.g. "P.O.P") may place me in compliance with this requirement.
2. JF I have received a copy of the Alcoholic Beverage Ordinance(s) of the City of Fargo, read the ordinances and am familiar with the conditions and requirements of these ordinances.
3. JF If granted an alcoholic beverage license, I will obey, abide by and comply with the State of North Dakota Liquor Control Act, and the City of Fargo Alcoholic Beverage ordinances, as well as any amendments to either of these, which may be made from time to time.
4. JF I understand either, I, my manager(s), or both of us must attend a yearly meeting (date and time to be announced) with representatives from the Police and Health departments to discuss law enforcement and safety concerns as a condition of license renewal.
5. JF I understand that the premises described in the application, if licensed for alcoholic beverage sales, may be inspected at any time by the Chief of Police, or any officer of the Police or Health Departments as allowed by city ordinances and state law. My employees and I will cooperate with such inspections.
6. JF I understand that all employees, managers and owners engaged in mixing, pouring or service of alcoholic beverages **MUST** attend Server Training.
7. JF I am familiar with the question, answers and other information as it appears in the complete application of an alcoholic beverage license, and the answers and information are, to the best of my belief and knowledge, true, complete and accurate. (Note: This application must be made under oath before a Notary Public.)
8. JF I recognize the City of Fargo is subject to open records laws contained in chapter 44-04 of the N.D. Century Code. Section 44-04-18.4 contains an exception for trade secrets, proprietary, commercial, and financial information. I agree in submitting the application, that I have familiarized myself with this law. If any information being forwarded to the City of Fargo is claimed as confidential or proprietary under this section, I must clearly indicate this in writing when I submit this application, pointing out, in detail, why the information submitted is claimed as an exemption under section 44-04-18.4. I further agree to respond to, as well as to aid the City, in responding to any claim under 44-04-21.1 concerning this claim of confidentiality under 44-04-18.4.
9. JF I understand that **the license will expire on June 30 of each year** and a renewal process will need to be completed. This process will include a completed renewal application, payment in full for the required annual fee, a completed roster for each employee who pours or serves alcohol, attendance of Server Training for those listed on the roster, and a copy of your certified food sales if applicable to your license.

Applicant printed name: Jesse Feigum Signature: 

Applicant printed name: Mark Bjornstad Signature: 

Applicant printed name: Darin Montplaisir Signature: 

Applicant printed name: Mason Montplaisir Signature: 



**Applicant Information:** (2 pages)

Name: Jesse John Feigum  
(first) (middle) (last) (maiden name)

Address: 3150 Rivershore Dr S Moorhead MN 56560  
(address) (city) (state & zip)

How long have you lived at this address? 1 month

Provide your address history for the past 5 years:

From 2018 to present Address: 3150 Rivershore Dr S, Moorhead, MN 56560

From 2005 to 2018 Address: 315 Dudrey Court, Moorhead, MN 56560

E-mail address: jesse@drekkerbrewing.com

Home phone number: (701) 388-2388 Other number: (701) 540-6808

Date of Birth: 10/07/1981 Place of Birth: Fargo, ND

List each driver's license you have ever had and the state of issue:

DL#: S299140710220 State of Issue: MN Dates: 1997- present

DL#: \_\_\_\_\_ State of Issue: \_\_\_\_\_ Dates: \_\_\_\_\_

Has your driver's license ever been suspended or revoked? \_\_\_\_\_ Yes  No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?  
\_\_\_\_\_ Yes \_\_\_\_\_ No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed) \_\_\_\_\_ Yes  No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Have you been issued a citation for any alcohol-related offense? \_\_\_\_\_ Yes  No  
If "yes", provide the date of arrest, location, charge of each conviction.

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Drekker Brewing Company, 630 1st Ave N Ste 6, Fargo, ND - Licensed with the TTB, State of ND, and City of Fargo

Have any of the above named licenses ever been suspended or revoked?  Yes  No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 2015 to present Business name: Drekker Brewing Company

Address: 630 1st Ave N Ste 6, Fargo, ND 58102 Position/Title: Co-Owner

From: 2004 to 2015 Business name: Shortprinter.com

Address: 3005 Main Ave Position/Title: Manager

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?

Yes  No If "yes", list each business below:

Drekker Brewing Company, 630 1st Ave N Ste 6, Fargo, ND

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?

Yes  No If "yes", indicate where, when, and for whom below:

Drekker Brewing Company, 630 1st Ave N Ste 6, Fargo, ND - 2014-present

Do you have any current or prior management experience working for a business that sells or serves alcohol?

Yes  No If "yes", describe below:

Co-Owner of Drekker Brewing Company

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

**Applicant Information:** (2 pages)

Name: Mark Marshall Bjornstad  
(first) (middle) (last) (maiden name)

Address: 2902 Peterson Parkway N Fargo, ND 58102  
(address) (city) (state & zip)

How long have you lived at this address? 1 year

Provide your address history for the past 5 years:

From 6/1/11 to 4/30/17 Address: 2619 N Miller Dr Moorhead, MN 56560

From 5/1/18 to Present Address: 2902 Peterson Parkway N Fargo, ND 58102

E-mail address: mark@drekkerbrewing.com

Home phone number: (952) 232-9801 Other number: (    )     

Date of Birth: 11/17/1983 Place of Birth: Fargo, ND

List each driver's license you have ever had and the state of issue:

DL#: K881175117617 State of Issue: MN Dates: 09/2008-Present

DL#: License Infomation Unavailable (system purged)  State of Issue: ND Dates: 6/2006-8/2008

Has your driver's license ever been suspended or revoked? Y Yes      No      If "yes," where and when.

On February 3rd, 2014 my Minnesota drivers license was revoked because I did not contest a civil implied consent case related to a DUI charge on 2/9/13 that was dismissed

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?      Yes N No      If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed) Y Yes      No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.  
Listed below

Have you been issued a citation for any alcohol-related offense? Y Yes      No  
If "yes", provide the date of arrest, location, charge of each conviction.

- 10/21/2003 - Todd County, MN - Minor in Consumption \$365 Fine
- 01/07/2014 - Hennepin County, MN - Careless Driving \$1000 Fine



**Applicant Information:** (2 pages)

Name: Darin Charles Montplaisir  
(first) (middle) (last) (maiden name)

Address: 2641 29th ave S Moorhead MN 56560  
(address) (city) (state & zip)

How long have you lived at this address? since 2012

Provide your address history for the past 5 years:

From 2012 to 2018 Address: 2641 29th ave S Moorhead, MN 56560

From \_\_\_\_\_ to \_\_\_\_\_ Address: \_\_\_\_\_

E-mail address: Darin@drekkerbrewing.com

Home phone number: (701) 361-5344 Other number: (\_\_\_\_) \_\_\_\_\_

Date of Birth: 08/02/83 Place of Birth: Moorhead, MN

List each driver's license you have ever had and the state of issue:

DL#: MON-83-0737 State of Issue: ND Dates: 2008-2013

DL#: H308091909311 State of Issue: MN Dates: 2013-Present

Has your driver's license ever been suspended or revoked? \_\_\_\_\_ Yes X No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?  
\_\_\_\_\_ Yes \_\_\_\_\_ No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed) \_\_\_\_\_ Yes X No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Have you been issued a citation for any alcohol-related offense? \_\_\_\_\_ Yes X No

If "yes", provide the date of arrest, location, charge of each conviction.

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Drekker Brewing Company, 630 1st Ave N Ste 6, Fargo, ND - Licensed with the TTB, State of ND, and City of Fargo

Have any of the above named licenses ever been suspended or revoked?  Yes  No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 2014 to present Business name: Drekker Brewing Company

Address: 630 1st ave N Fargo, ND Position/Title: Co-Founder/Head Brewer

From: 1999 to 2014 Business name: M & H Construction Inc.

Address: 4825 Meadow Creek Dr. Fargo, ND Position/Title: Foreman

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?  
 Yes  No If "yes", list each business below:

Drekker Brewing Company, 630 1st Ave N Ste 6, Fargo, ND

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?  
 Yes  No If "yes", indicate where, when, and for whom below:

Drekker Brewing Company, 630 1st Ave N Ste 6, Fargo, ND - 2014-present

Do you have any current or prior management experience working for a business that sells or serves alcohol?  
 Yes  No If "yes", describe below:

Co-Owner of Drekker Brewing Company

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

**Applicant Information:** (2 pages)

Name: Mason Michael Montplaisir  
(first) (middle) (last) (maiden name)

Address: 810 4th Ave S #236 Moorhead MN 56560  
(address) (city) (state & zip)

How long have you lived at this address? 1 Year 4 Months

Provide your address history for the past 5 years:

From 02/01/16 to 01/31/17 Address: 4846 39th Ave S Fargo, ND 58104

From 07/01/14 to 01/31/16 Address: 630 1st Ave N #205 Fargo, ND 58102

From 01/01/14 to 06/30/14 Address: 23 7th St S #1S Fargo, ND 58103

From 06/01/12 to 12/31/13 Address: 125 E Arikara Ave #105 Bismarck, ND 58501

E-mail address: mason@drekkerbrewing.com

Home phone number: (701) 318-0623 Other number: (\_\_\_\_) \_\_\_\_\_

Date of Birth: 11/03/1988 Place of Birth: Fargo, ND

List each driver's license you have ever had and the state of issue:

DL#: MON-88-3578 State of Issue: ND Dates: 2007-Present

DL#: \_\_\_\_\_ State of Issue: MN Dates: 2004-2007

Has your driver's license ever been suspended or revoked?  Yes \_\_\_\_\_ No If "yes," where and when?

**In North Dakota in 2009-2010**

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?

\_\_\_\_\_ Yes  No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI should not be considered a "traffic offense" – and therefore must be listed)  Yes \_\_\_\_\_ No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Arrested on 06/20/2009 for a DUI in Fargo, ND. Plead guilty in Aug. 2009. License suspended for 180 Days

Have you been issued a citation for any alcohol-related offense?  Yes \_\_\_\_\_ No

If "yes", provide the date of arrest, location, charge of each conviction.

Arrested on 06/20/2009 for a DUI in Fargo, ND. Plead guilty in Aug. 2009. License suspended for 180 Days

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Drekker Brewing Company, 630 1st Ave N Ste 6, Fargo, ND - Licensed with the TTB, State of ND, and City of Fargo

Have any of the above named licenses ever been suspended or revoked?  Yes  No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 04/01/17 to      Business name: Drekker Brewing Co.

Address: 630 1st Ave N Suite 6 Fargo, ND 58102 Position/Title: Owner/Operator

From: 10/01/14 to 04/01/17 Business name: M&H Construction Inc.

Address: 4627 Beach Ln S Fargo, ND 58104 Position/Title: Laborer

From: 6/11/2010 to 09/30/14 Business name: Kadrmass, Lee and Jackson

Address: 3203 32nd Ave S Suite 201 Fargo ND 58103 Position/Title: Civil Engineer

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?  Yes  No If "yes", list each business below:

Drekker Brewing Company, 630 1st Ave N Ste 6, Fargo, ND

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?  Yes  No If "yes", indicate where, when, and for whom below:

Drekker Brewing Company, 630 1st Ave N Ste 6, Fargo, ND - 2014-present

Do you have any current or prior management experience working for a business that sells or serves alcohol?  Yes  No If "yes", describe below:

Co-Owner of Drekker Brewing Company

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.



**Operator/Manager Information**

Are you going to operate/manage this business personally?  
\_\_\_\_\_ Yes  No If "no", who will operate/manage it?

Name:

Adam                      John                      Schumacher  
\_\_\_\_\_  
(first)                      (middle)                      (last)                      (maiden name)

Address:

524 1/2 Broadway #112                      Fargo                      ND 58102  
\_\_\_\_\_  
(address)                      (city)                      (state & zip)

Home phone number: ( 701 ) 471-8463                      Other number ( 701 ) 540-6808

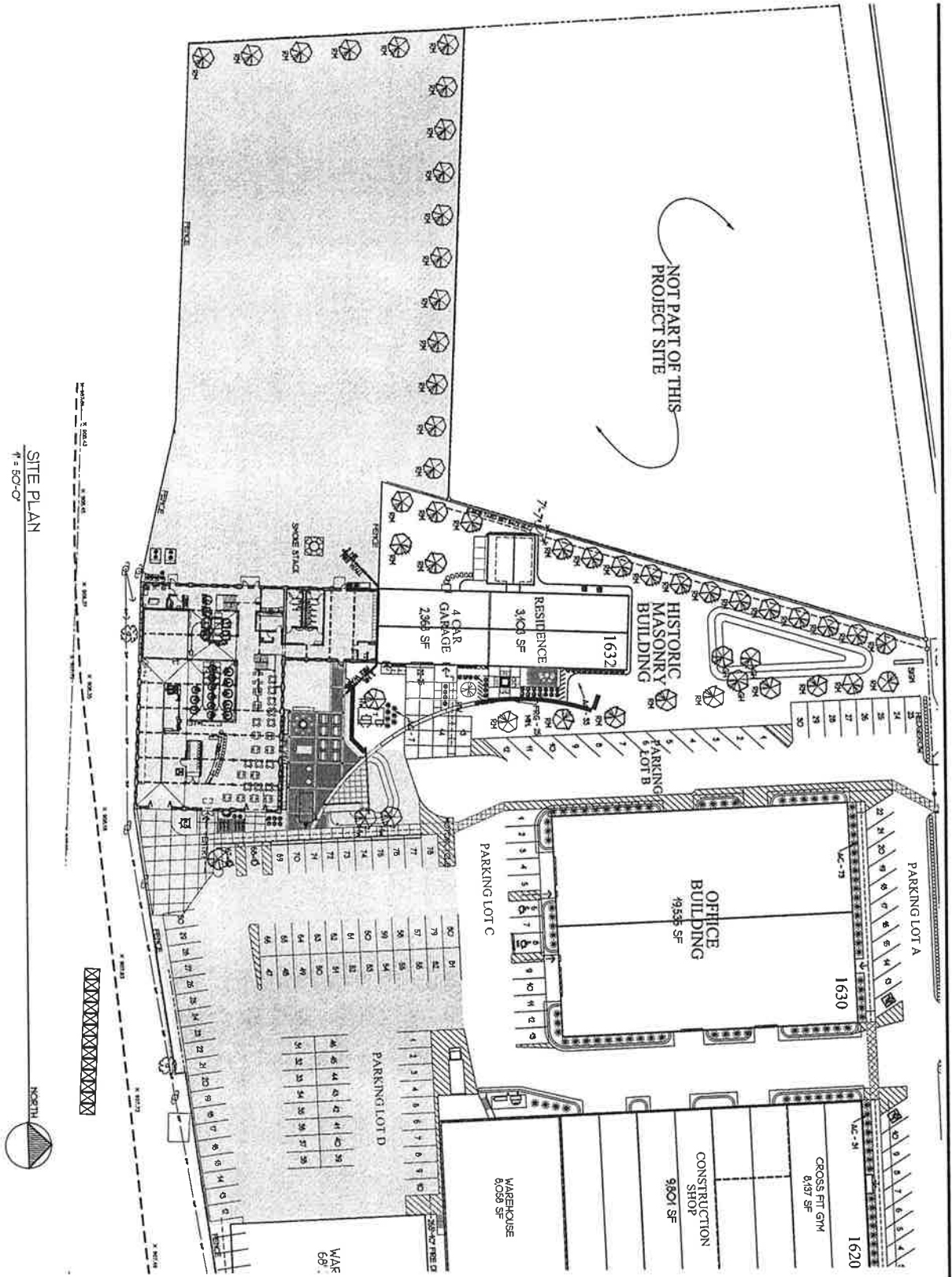
Date of Birth: 1/4/89                      Place of Birth: Linton, ND

**(Important:** The name and other information about your manager must be provided before a license can be issued. If the manager changes during the course of the license period, you must provide the City Auditor's Office with updated information about the new manager immediately.)

**Business Site Plan**

On this page (or on attached pages if additional space is needed), provide a detailed diagram and description of the design, location, and square footage of the premises to be licensed.

- The scale should be stated, such as 1" = 20'. The direction N should be indicated towards the top.
- The diagram should include placement of all pertinent features of the interior of the licensed premises, such as seating areas, kitchens, offices, repair areas, restrooms, etc. The exterior parking area should also be shown.



SITE PLAN  
1" = 50'-0"

**DREKKER**  
BREWING COMPANY  
1632 1st Ave N.

---

FARGO, NORTH DAKOTA

M|B|A

**MATCHER BATTAM ARCHITECTS, P.C.**  
1000 1st Ave N  
Fargo, ND 58103-5461 | info@mbaarchitects.com | Fax: 701-237-2415

SITE PLAN

---

DATE: 08/26/2025    PROJECT NUMBER: 5500A

A1.1

**Operational and Financial Issues**

Briefly describe your business concept, including your analysis of how this model fits into the proposed location (i.e., describe the suitability of the "fit" into the existing neighborhood or business area).

(Use additional pages if necessary)

We opened Drekker Brewing Company in 2014 in Downtown Fargo, and since then our business has grown to the point where we need much more production space in order to meet demand. We had the opportunity to move into the historic Smith building, which had been vacant for approximately 50 years, so we're putting in a brewery with significantly more production capacity. The area west of Downtown Fargo has been seeing a significant amount of development, and our hope is to help improve and breathe life into an area of Fargo that's been somewhat dormant for a long time.

We'll continue to hand-craft beers of the highest quality and make them available in our taproom and with this facility we also hope to increase our distribution footprint around the region. Breweries have become travel & tourist destinations and we hope to continue to attract tourists to Fargo and showcase the city in a positive way while at the same time providing a safe, fun and relaxed atmosphere for local residents to enjoy local beer, art, and music.

We feel that our current track record of compliance shows that we're absolutely committed to being good stewards of our licenses. We hope to maintain that good relationship with the City of Fargo and the Police Department.

Describe in detail how you intend to address/prevent each of the following concerns at your Business:

(Use additional pages if necessary)

Over-serving, intoxicated or disorderly patrons:

Any patron who appears intoxicated will not be served. If a customer becomes belligerent or disorderly we will escort them outside and call the police.

Safety and security issues, including crowd control:

The security and safety of our patrons and employees is a top priority. We will not exceed our occupancy limit. On busy days there will be a door monitor to ensure that capacity is not exceeded and to assist staff with any security issues. In extreme cases police will be notified immediately.

Minors on the premises, including consumption by minors:

Anyone serving drinks will be required to take the server training course offered by Cass County Public Health prior to their work as a server. All beer will be purchased at the register from the server who will check ID's for all patrons. Any non-alcoholic beverages will be served in distinctly different glasses or containers, and minors will only be allowed on the premises while accompanied by a parent.

Noise concerns, especially from nearby residences of other businesses:

We have developed relationships with all close neighbors, and will make sure that any concerns are addressed immediately.

Do you plan to feature live entertainment?  Yes  No If "yes", describe what you envision at the time, including how often such entertainment will take place.

Live music will most likely occur on weekend nights. Most often local solo artists.

450

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Legacy I 2 <sup>nd</sup> Addition	<b>Date:</b>	6-22-18
		<b>Update:</b>	7-24-18
<b>Location:</b>	2173 and 2175 58 <sup>th</sup> Ave S	<b>Staff Contact:</b>	Kylie Bagley
<b>Legal Description:</b>	Part of Lots 13 and 14, Legacy I 2 <sup>nd</sup> Addition		
<b>Owner(s)/Applicant:</b>	Roger Lizotte and Gerald Ripplinger	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential)		
<b>Status:</b>	City Commission Public Hearing: July 30, 2018		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Attached Housing	<b>Land Use:</b> Attached Housing
<b>Zoning:</b> MR-1, Multi-Dwelling Residential	<b>Zoning:</b> SR-5, Single-Dwelling Residential
<b>Uses Allowed:</b> Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities	<b>Uses Allowed:</b> Detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.
<b>Maximum Density Allowed (Residential):</b> Maximum 16 units per acre	<b>Maximum Density Allowed (Residential):</b> maximum of 14.5 units per acre

<b>Proposal:</b>
<p>The applicants are proposing a zone change from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential, for the properties located at 2173 and 2175 58<sup>th</sup> Avenue South. The zone change is being requested due to the applicants concern regarding the specials on the property. The property meets all dimensional standards of the SR-5, Single-Dwelling Residential zoning district.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: SR-4, Single-Dwelling Residential, with detached and attached houses.</li> <li>• East: MR-1, Multi-Dwelling Residential, with attached houses.</li> <li>• South: Across 58<sup>th</sup> Ave S properties are zoned SR-4, Single-Dwelling Residential, with detached and attached houses.</li> <li>• West: MR-1, Multi-Dwelling Residential, with attached houses.</li> </ul>
<b>Area Plans:</b>

The subject property is located within the 2007 Growth Plan with the designation of Residential Area – lower to medium density.

**Future Land Use**

- Commercial Area
- Future School
- Proposed Park
- Residential Area - lower to medium density
- Residential Area - medium to high density
- Residential Area - rural



**Schools and Parks:**

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

**Parks:** Greenfields Park, a neighborhood park, is located north of the subject property.

**Pedestrian / Bicycle:** Off-road bike facilities run along 58<sup>th</sup> Avenue South and is a component of the metro area trail system.

**Staff Analysis:**

**Zoning**

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**  
 Staff is unaware of any zoning map error in regard to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. **(Criteria Satisfied)**
  
2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**  
 The development is served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. **(Criteria Satisfied)**
  
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**  
 Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zone change is in keeping with adopted plans approved via public process. In addition, written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any verbal concerns or written comments regarding the proposed overlay zoning change. Staff finds that the approval will not

adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal is consistent with the purposes of the LDC, the Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

**Planning Commission Recommendation: July 3, 2018**

On July 3, 2018 with a 8-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed zoning change from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission, and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the rezoning Ordinance on first reading, and approve the proposed zone change from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

**Attachments:**

1. Zoning Map
2. Location Map

# Zone Change (MR-1 to SR-5)

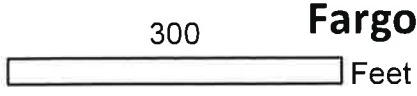
## Legacy I 2nd Addition

2175 & 2173 58th Avenue South



**Legend**

AG	LC	MHP	SR-2
DMU	ML	NO	SR-3
GC	MR-1	PA	SR-4
GO	MR-2	UMU	SR-5
	MR-3		City Limits



**Fargo Planning Commission**  
July 3, 2018



# Zone Change (MR-1 to SR-5)

## Legacy I 2nd Addition

2175 & 2173 58th Avenue South



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

4501

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

AN ORDINANCE REZONING CERTAIN  
PARCELS OF LAND LYING IN LEGACY I 2<sup>ND</sup> ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Legacy I 2<sup>nd</sup> Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on July 3, 2018; and,

WHEREAS, the rezoning changes were approved by the City Commission on July 30, 2018,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot Fourteen (14) less the following: Beginning at northeast corner of said Lot Fourteen (14); then south 22 degrees 36 minutes 35 seconds east, assumed bearing along the east line of said Lot Fourteen (14), a distance of 110.43 feet to southeast corner of said Lot Fourteen (14); then south 67 degrees 23 minutes 25 seconds west 23.07 feet along the south line of said Lot Fourteen (14); then southwesterly 18.59 feet along the south line of said Lot Fourteen (14) and along a tangential curve concave to the northwest having central angle of 05 degrees 19 minutes 32 second and a radius of 200.00 feet; then north 01 degrees 48 minutes 14 seconds west, not tangent to last described curve, 117.21 feet to the point of beginning and less the following: Beginning at the southwest corner of said Lot Fourteen (14); then north along the west lot line of said Lot Fourteen (14) to the northwest corner of said Lot Fourteen (14); then east along the north lot line of said Lot Fourteen (14) for a distance of 38.91 feet; then south 01 degrees 48 minutes 09 seconds east 119.45 feet to a point on the south lot line of said Lot Fourteen (14); then west along the south lot line of said Lot Fourteen (14) to the point of beginning, continuing 5727 square feet more or less,

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

AND;

The east 9 feet of Lot Thirteen (13) and part of Lot Fourteen (14) described as follows: Beginning at the southwest corner of said Lot Fourteen (14); then north along the west lot line of said Lot Fourteen (14) to the northwest corner of said Lot Fourteen (14); then east along the north lot line of said Lot Fourteen (14) for a distance of 38.91 feet; then south 01 degrees 48 minutes 09 seconds east 119.45 feet to a point on the south lot line of said Lot Fourteen (14); then west along the south lot line of said Lot Fourteen (14) to the point of beginning, continuing 5727 square feet more or less, Block 3, Legacy I 2nd Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "MR-1", Multi-Dwelling Residential, District to "SR-5", Single-Dwelling Residential, District;

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

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

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

(SEAL)

Attest:

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

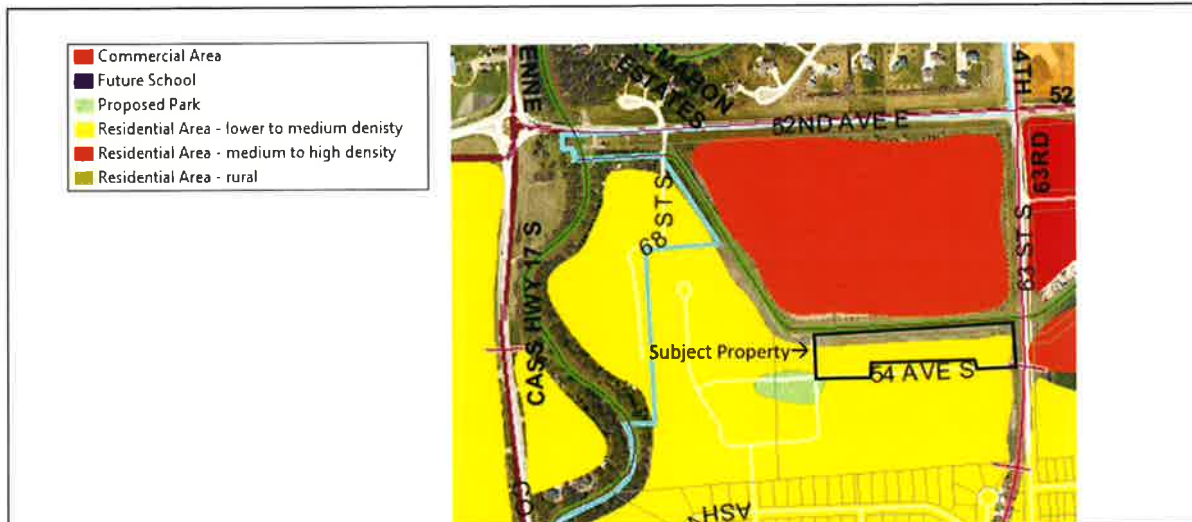
First Reading:  
Second Reading:  
Final Passage:

45d

City of Fargo Staff Report			
<b>Title:</b>	Grayland First Addition	<b>Date:</b>	6/27/2018
		<b>Updated:</b>	7/26/2018
<b>Location:</b>	6313, 6333, 6347, 6363, 6379, 6393, 6405, 6421, 6439, 6457, 6473, 6491, 6507, 6523, 6541, 6561, 6583 54th Avenue South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description</b>	Lots 2-18, Block 3, Grayland First Addition		
<b>Owner(s)/Applicant:</b>	Ben Saucke	<b>Engineer:</b>	None
<b>Entitlements Requested:</b>	<b>Zone Change</b> (from SR-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential)		
<b>Status:</b>	City Commission Public Hearing: July 30, 2018		

Existing	Proposed
<b>Land Use:</b> Platted but not yet developed	<b>Land Use:</b> Single family residential
<b>Zoning:</b> SR-3, Single Dwelling Residential	<b>Zoning:</b> SR-4, Single Dwelling Residential
<b>Uses Allowed:</b> SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	<b>Uses Allowed:</b> SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
<b>Maximum Density Allowed (Residential):</b> 8.7 dwelling units per acre	<b>Maximum Density Allowed (Residential):</b> 12.1 dwelling units per acre

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A zoning change from SR-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential.</li> </ol> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: AG, Agricultural; undeveloped</li> <li>• East: P/I, Public/Institutional; city-owned water storage</li> <li>• South: SR-2, Single-Dwelling Residential; residential use</li> <li>• West: AG, Agricultural; residential use; Sheyenne River (area to the west is in the extra-territorial jurisdiction)</li> </ul> <p><b>Area Plans:</b></p> <p>The Tier 1 Southwest Land Use Plan of the 2007 Growth Plan designates the area of this project as "lower to medium density residential." That plan states that the proposed SR-4 zone is included within the land use designation.</p>



**Context:**

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

**Neighborhood:** The subject property is located within Deer Creek neighborhood.

**Parks:** Deer Creek Park is located approximately 0.23 miles south of the project site and provides playgrounds for ages 2-5 and 5-12 and a shelter.

**Pedestrian / Bicycle:** There are off-road bike facilities along 52<sup>nd</sup> Avenue South that are located approximately 0.20 miles north of the project site and along 63<sup>rd</sup> Street South that are located adjacent to the east side of the project site. Both bike facilities are components of the metro area bikeways system.

**Staff Analysis:**

The zone change will rezone 17 lots (Lots 2-18, Block 3) in Grayland First Addition from SR-3 to SR-4. The size of the lots and the density of the project will not change. The applicant proposes the SR-4 zone to be able to reduce the required setback for these lots to accommodate the single-family housing product that he intends to build here.

**ACCESS:** The lots will be accessed by way of existing dedicated public streets. Public utilities are available in those streets.

**Zoning**

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

**1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**

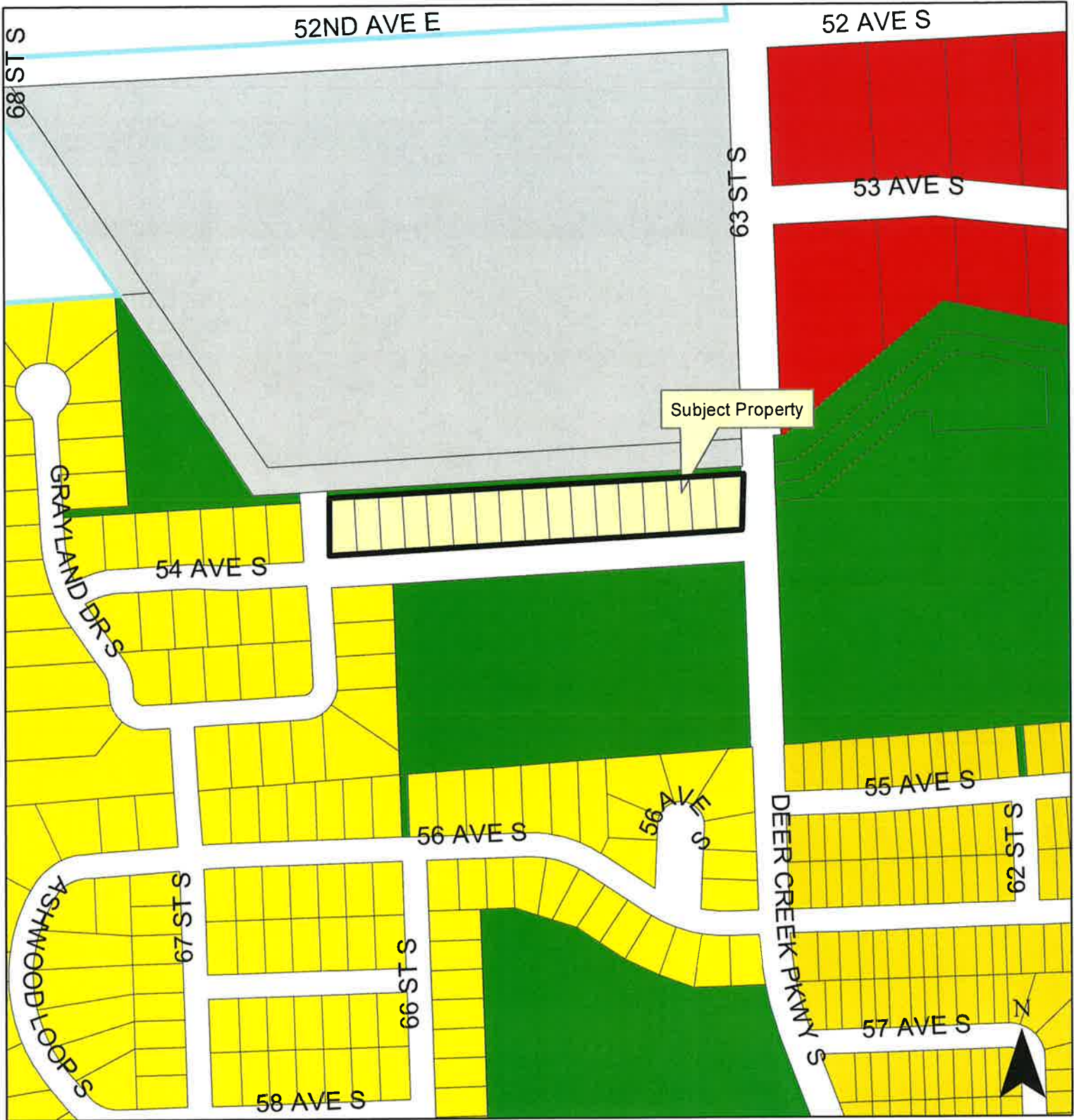
Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned SR-3. The proposed zoning of SR-4 is consistent with the 2007 Growth Plan designation of "lower to medium density residential." The size of the lots and the density of the project will not change. The applicant proposes the SR-4 zone to be able to reduce the required setback for these lots to accommodate the single-family housing product that he intends to build here. **(Criteria Satisfied)**

<p><b>2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?</b></p> <p>City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The existing lots front on dedicated public streets. These streets will provide access and public utilities to serve the development. <b>(Criteria satisfied)</b></p>
<p><b>3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?</b></p> <p>Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received one phone inquiry about the project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. <b>(Criteria satisfied)</b></p>
<p><b>4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?</b></p> <p>The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Growth Plan; this plan designates this property as appropriate for lower to medium density residential development, which would include the SR-4 zone. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. <b>(Criteria satisfied)</b></p>
<p><b>Planning Commission Recommendation: July 3, 2018</b></p>
<p>On July 3rd, 2018, by a vote of 8-0 with two Commissioners absent, the Planning Commission voted to accept the findings and recommendations of staff and moved to recommend approval to the City Commission of the proposed zone change from SR-3, Single Dwelling Residential to SR-4, Single-Dwelling Residential for Lots 2-18, Block 3, Grayland First Addition, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC.</p>
<p><b>Suggested Motion</b></p>
<p>Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on the first reading, and move to approve the proposed zone change from SR-3, Single Dwelling Residential to SR-4, Single-Dwelling Residential for Lots 2-18, Block 3, Grayland First Addition, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC."</p>
<p><b>Attachments:</b></p>
<ol style="list-style-type: none"> <li>1. Zoning Map</li> <li>2. Location Map</li> </ol>

# Zone Change (SR-3 to SR-4)

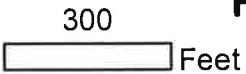
## Grayland First Addition

6313 - 6583 54th Avenue South



**Legend**

AG	DM	GC	GO	LC	MR-1	MR-2	MR-3	MHP	UOC	PVI	UML	SR-3	SR-4	SR-5	SR-6	SR-7	SR-8	SR-9	SR-10	SR-11	SR-12	SR-13	SR-14	SR-15	SR-16	SR-17	SR-18	SR-19	SR-20	SR-21	SR-22	SR-23	SR-24	SR-25	SR-26	SR-27	SR-28	SR-29	SR-30	SR-31	SR-32	SR-33	SR-34	SR-35	SR-36	SR-37	SR-38	SR-39	SR-40	SR-41	SR-42	SR-43	SR-44	SR-45	SR-46	SR-47	SR-48	SR-49	SR-50	SR-51	SR-52	SR-53	SR-54	SR-55	SR-56	SR-57	SR-58	SR-59	SR-60	SR-61	SR-62	SR-63	SR-64	SR-65	SR-66	SR-67	SR-68	SR-69	SR-70	SR-71	SR-72	SR-73	SR-74	SR-75	SR-76	SR-77	SR-78	SR-79	SR-80	SR-81	SR-82	SR-83	SR-84	SR-85	SR-86	SR-87	SR-88	SR-89	SR-90	SR-91	SR-92	SR-93	SR-94	SR-95	SR-96	SR-97	SR-98	SR-99	SR-100	City Limits
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Fargo Planning Commission  
July 3, 2018

# Zone Change (SR-3 to SR-4)

## Grayland First Addition

6313 - 6583 54th Avenue South





OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

45d1

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

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

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning  
9 request on July 3, 2018; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on July 30,  
11 2018,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 Lots Two (2) through Eighteen (18), Block Three (3), Grayland First Addition to the  
16 City of Fargo, Cass County, North Dakota;

17 is hereby rezoned from "SR-3", Single-Dwelling Residential, District to "SR-4", Single-Dwelling  
18 Residential, District;

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

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

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

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(SEAL)

Attest:

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Timothy J. Mahoney, Mayor

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

First Reading:  
Second Reading:  
Final Passage:

45e

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Laverne's Addition	<b>Date:</b>	11/29/2017
		<b>Updated:</b>	7/26/2018
<b>Location:</b>	4301 19 <sup>th</sup> Avenue North	<b>Staff Contact:</b>	Donald Kress, senior planner
<b>Legal Description:</b>	Portion of the West ½ Section 27. T140N, R49W, City of Fargo, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	Montplaisir Ag and Rental, LLP; Laverne A. Montplaisir Family Trust; Southeast Cass Water Resource District / Jim Schlieman— Houston Engineering	<b>Engineer:</b>	Houston Engineering
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (Portion of the West ½ Section 27. T140N, R49W, City of Fargo, Cass County, North Dakota) <b>Zone Change</b> (from AG, Agriculture to LI, Limited Industrial and P/I, Public/Institutional)		
<b>Status:</b>	City Commission Public Hearing: July 30, 2018		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> commercial and limited industrial
<b>Zoning:</b> AG, Agricultural	<b>Zoning:</b> LI, Limited Industrial; P/I, Public/Institutional
<b>Uses Allowed:</b> AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	<b>Uses Allowed:</b> 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. P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.
<b>Maximum Density Allowed (Residential):</b> AG allows a maximum of 1 dwelling unit per 10 acres.	<b>Maximum Lot Coverage Allowed:</b> LI allows a maximum of 85% lot coverage; P/I has no maximum lot coverage

**Proposal:**

*Project History Note: An earlier version of this project was submitted in November, 2014. This project was continued at the January 6, 2015 Planning Commission, and withdrawn by the applicant in November, 2015. Though the current plat bears the same name as the earlier one and plats the same property, the layout of the current plat is significantly different from the earlier one. Also, since the November 2014 application, the subject property has been annexed into the city of Fargo and has been included in the extensive study of the 19<sup>th</sup> Avenue corridor.*

The applicant requests two entitlements:

1. A major subdivision, entitled **Laverne's Addition**, a four block, 29 lot subdivision, which is a plat of a portion of the West ½ Section 27. T140N, R49W, City of Fargo, Cass County, North Dakota
2. A zoning change from AG, Agriculture to LI, Limited Industrial and P/I, Public/Institutional (the P/I designation will be applied to lots owned by SE Cass Water Resources District or City of Fargo).

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

**Surrounding Land Uses and Zoning Districts:**

- North: AG, Agricultural; undeveloped
- East: P/I, Public/Institutional—NDSU research area; and LI, Limited Industrial—John Deere Electronics
- South: LI and AG - undeveloped
- West: AG, Agricultural--residential use and undeveloped

**Area Plans:**

The Tier 1 Northwest Land Use Plan, part of the 2007 Growth Plan, designates most the area of this project as "Industrial Area" land use. That plan states that the proposed LI zoning is included within this land use designation. P/I zoning, for publicly owned facilities such as stormwater detention basins and Cass County drains, is appropriate in any land use designation.



**Context:**

**Schools:** The subject property is located within the West Fargo School District and is served by L.E. Berger Elementary, Cheney Middle and West Fargo High schools.

**Neighborhood:** The subject property is not located within a designated neighborhood.

**Parks:** The Pepsi Soccer Complex (3101 Highway 81 N) is located approximately .87 miles northeast of the project site and provides the amenities of concessions, multipurpose field, picnic table, playground, restrooms, and soccer fields.

**Pedestrian / Bicycle:** There are off-road bike facilities along 45<sup>th</sup> Street South that are located approximately 0.20 miles south the project site and are a component of the metro area bikeways system.

**Staff Analysis:**

**PLAT AND ZONE CHANGE**

The plat will create 29 lots in four blocks, zoned as shown in the chart below:

BLOCK	LOTS	ZONING	LAND USE
1	1	P/I	Cass County Drain No. 40, owned by SE Cass Water Resources District
1	2	P/I	To become City-owned levee
1	3	LI, Limited Industrial	Limited Industrial or Commercial
1	4	P/I	Detention basin—to be dedicated to City of Fargo
1	5-13	LI	Limited Industrial or Commercial
2	1-7	LI	Limited Industrial or Commercial
3	1-5	LI	Limited Industrial or Commercial
4	1-4	LI	Limited Industrial or Commercial

*NOTE: As a result of discussion on the final plat configuration between the City, the applicant, and SE Cass Rural Water District, the lots and blocks on this plat have had a change in numbering from the plat that went to the December 5, 2017 Planning Commission. Specifically, there were originally five blocks but now there are only four, as the original Blocks 1 and 2 were combined on the current plat. There has not been an increase in the total number of lots.*

The LI zoned lots range in size from 2.78 acres to 4.99 acres, with most lots being in the 3-acre range. There is no minimum required lot area in the LI zone. The P/I zoned lots range in size from 5.22 to 11.10 acres. There is no minimum required lot area in the P/I zone.

**ACCESS:** The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat.

**PARKS AND TRAILS:** No park dedication is required. Proposed trails will be within the dedicated rights of way. The routes of these trails are identified in the amenities plan.

**STORMWATER:** The detention basin will be created on Lot 4, Block 1.

**DEDICATION FOR FUTURE 45<sup>th</sup> STREET NORTH:** The plat includes a 75-foot wide dedication for the future development of 45<sup>th</sup> Street North. This dedication is along the west side of the plat.

**AIRPORT PROXIMITY AGREEMENT:** The airport authority has required an airport proximity agreement for this subdivision. A copy of this agreement is attached.

**Zoning**

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

- 1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. The proposed zonings of LI and P/I are consistent with the 2007 Growth Plan designation of "Industrial."

**(Criteria Satisfied)**

**2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

**3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received one phone inquiry about the project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Growth Plan; this plan designates this property as appropriate industrial development, which would include the LI and P/I zones. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

**Subdivision**

The LDC stipulates that the following criteria are met before a major plat can be approved

**1. Section 20-0907(C))(1)(Development Review Procedures—Subdivisions—Major Subdivisions) 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.**

The proposed zoning for the development on this property is LI, Limited Industrial and P/I, Public/Institutional. The LI zoning will accommodate the proposed light industrial development. The P/I zoning will accommodate the county drain and city-owned detention basin. The LI and P/I zoning designations are consistent with the "industrial" land use designation for this property in the 2007 Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone inquiry about the project.

**(Criteria Satisfied)**

**2. Section 20-0907.4 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 proposed zoning is LI and P/I. This zoning is consistent with the 2007 Growth Plan which designates this property for industrial development. The project has been reviewed by the city's

<p>Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. <b>(Criteria Satisfied)</b></p> <p><b>3. Section 20-0907.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.</b></p> <p>The applicant has provided an 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). A copy is attached. 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. <b>(Criteria Satisfied)</b></p>
<p><b>Planning Commission Recommendation: December 5, 2017</b></p> <p>On December 5, 2017, by a vote of 5-0 with four Commissioners absent, the Planning Commission voted to accept the findings and recommendations of staff and moved to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to LI, Limited Industrial and P/I, Public/Institutional; and 2) <b>Laverne's Addition</b> subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."</p>
<p><b>Suggested Motion:</b></p> <p>Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on the first reading, and move to approve the proposed: 1) zone change from AG, Agricultural to LI, Limited Industrial and P/I, Public/Institutional; and 2) <b>Laverne's Addition</b> subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."</p>
<p><b>Attachments:</b></p> <ol style="list-style-type: none"> <li>1. Zoning Map</li> <li>2. Location Map</li> <li>3. Preliminary Plat</li> <li>4. Amenities Plan</li> <li>5. Airport proximity agreement</li> </ol>





# Plat (Major) and Zone Change (AG to LI & P/I)

## Laverne's Addition

4301 19 Avenue North

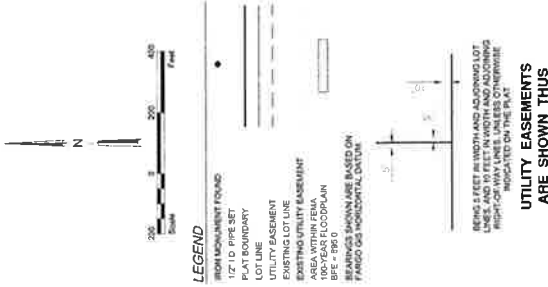


# LAVERNE'S ADDITION

A MAJOR PLAT  
BEING A PLAT OF PART OF THE WEST HALF OF  
SECTION 27 AND PART OF THE SOUTHEAST  
QUARTER OF SECTION 28, T. 140 N., R. 49 W., 5th P.S.  
CITY OF FARGO, NORTH DAKOTA

Curve #	Length	Radius	Delta	Chord Distance	Chord Length
C7	171.55	240.00	40°45'31"	N02°27'07"W	187.74
C8	110.80	160.00	40°45'31"	S02°03'19"W	111.54
C9	139.13	240.00	30°12'58"	S08°38'20"E	137.19
C10	31.76	240.00	7°34'58"	S08°38'20"E	31.74
C11	118.66	160.00	41°48'39"	N08°57'11"E	114.10
C12	175.60	240.00	41°48'39"	S08°57'11"W	171.15

Curve #	Length	Radius	Delta	Chord Distance	Chord Length
C1	452.23	870.00	47°33'37"	N02°22'27"W	443.37
C2	342.29	175.00	47°33'37"	S02°23'54"E	332.87
C3	648.83	345.00	51°18'32"	N02°23'54"E	638.46
C4	548.83	345.00	51°18'32"	S02°23'54"W	538.46
C5	390.07	175.00	39°45'41"	N04°02'44"W	380.00
C6	114.25	160.00	40°45'41"	S28°47'27"E	111.83



Sheet 1 of 2  
Project No. 6458-010



Houston Engineering Inc.  
Phone: 701.237.5065

H:\Projects\6458-010\14131\Final Plat - Laverne's Addition.dwg (PLOT) (1/17/2018 10:10 AM) (S:\chm\m...


**LAVERNE'S ADDITION**  
**A MAJOR PLAT**  
**BEING A PART OF PART OF THE WEST HALF OF**  
**SECTION 27 AND PART OF THE SOUTHEAST**  
**QUARTER OF SECTION 28, T. 140 N., R. 49 W., 5th P.M.**  
**CITY OF FARGO,**  
**CASS COUNTY, NORTH DAKOTA**

**OWNERS CERTIFICATE**  
KNOW ALL PERSONS BY THESE PRESENTS: That Southeast Cass Water Resource District, a political subdivision of the State of North Dakota, Montpelier, Ag and Rental, LLP, a North Dakota limited liability partnership, and Perry Montpelier, as Trustee of the Laverne A. Montpelier Family Trust created by Trust Agreement dated December 28, 2012, are the owners and proposers of that part of the West Half of Section 27 and that part of the Southeast Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, all being more particularly described as follows:

Commencing at the southeast corner of the Southwest Quarter of said Section 27; thence North 02°20'07" West, along the easterly line of said Southwest Quarter and along the easterly boundary of Phoenix Addition to the City of Fargo, for a distance of 1020.84 feet to the northeast corner of said Phoenix Addition and the true point of beginning; thence South 87°50'31" West, along the westerly boundary of said Phoenix Addition, for a distance of 1280.00 feet to the northwest corner of said Phoenix Addition; thence South 02°20'07" East, along the westerly boundary of said Phoenix Addition, for a distance of 1020.84 feet to a point of intersection with the southerly line of said Southwest Quarter; thence South 87°50'31" West, along the southerly line of said Southwest Quarter, for a distance of 100.00 feet to the intersection with the westerly line of said Southwest Quarter; thence North 84°33'11" West, along the northwesterly line of said Phoenix Addition, for a distance of 54.30 feet to a point of intersection with the westerly line of the East 75.00 feet of said Southwest Quarter; thence North 02°25'27" West, along the westerly line of the East 100.00 feet of said Southwest Quarter, for a distance of 25.00 feet to a point of intersection with the westerly line of the East 75.00 feet of said Southwest Quarter; thence North 02°25'27" West, along the westerly line of the East 75.00 feet of said Southwest Quarter, for a distance of 330.00 feet to a point of intersection with the westerly line of the East 75.00 feet of said Southwest Quarter; thence North 02°25'27" West, along the westerly line of the East 75.00 feet of said Southwest Quarter, for a distance of 100.00 feet to a point of intersection with the westerly line of said Southwest Quarter; thence North 87°50'31" West, along the southerly line of said Southwest Quarter, for a distance of 100.00 feet to a point of intersection with the westerly line of said Southwest Quarter; thence North 02°20'07" East, along the easterly line of said Southwest Quarter, for a distance of 2836.27 feet, to a point of intersection with the easterly line of the West Half of said Section 27; thence South 02°20'07" East, along the easterly line of said West Half, for a distance of 1683.62 feet to the true point of beginning.

Said tract of land contains 139.298 acres, more or less.  
And that said parties have caused the same to be surveyed and platted as Laverne's Addition to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the streets, avenues and utility easements shown on the plat, and do hereby dedicate to Southeast Cass Water Resource District, Lot 2, Block 1, as shown on the plat.

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT**  
I, James A. Schlemmer, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this 24<sup>th</sup> day of May, 2018.  
James A. Schlemmer, Professional Land Surveyor No. 6266  


**CITY ENGINEERS APPROVAL:**  
Approved by the Fargo City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Mark H. Blitner, City Engineer  


**FARGO PLANNING COMMISSION APPROVAL:**  
Approved by the City of Fargo Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Shawn Fischer, Chair  
Fargo Planning Commission

**FARGO CITY COMMISSION APPROVAL:**  
Approved by the Board of City Commissioners and ordered filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Timothy J. Mahoney, Mayor

Notary Public: \_\_\_\_\_  
State of North Dakota \_\_\_\_\_ )  
County of Cass \_\_\_\_\_ )  
On this 24<sup>th</sup> day of May, 2018, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: \_\_\_\_\_  
State of North Dakota \_\_\_\_\_ )  
County of Cass \_\_\_\_\_ )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_  
State of North Dakota \_\_\_\_\_ )  
County of Cass \_\_\_\_\_ )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_  
State of North Dakota \_\_\_\_\_ )  
County of Cass \_\_\_\_\_ )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_  
State of North Dakota \_\_\_\_\_ )  
County of Cass \_\_\_\_\_ )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_  
State of North Dakota \_\_\_\_\_ )  
County of Cass \_\_\_\_\_ )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_  
State of North Dakota \_\_\_\_\_ )  
County of Cass \_\_\_\_\_ )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_  
State of North Dakota \_\_\_\_\_ )  
County of Cass \_\_\_\_\_ )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_  
State of North Dakota \_\_\_\_\_ )  
County of Cass \_\_\_\_\_ )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_  
State of North Dakota \_\_\_\_\_ )  
County of Cass \_\_\_\_\_ )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Sheet 2 of 2  
Project No. 6458-010  
HoustonEngineering Inc.  
Phone: 701.237.5065



**Site Amenities Plan**

**Laverne's Addition**

July 11, 2018

**Location**

The property is located in the southwest quarter of Section 27 Township 140N, Range 49W. The land is bordered by 19<sup>th</sup> Avenue N on the south side and 45<sup>th</sup> Street north along the west side. The property encloses an area of 138.29 acres and shall be zoned LI Light Industrial and P/I, Public/Institutional with a Conditional Overlay to restrict land uses to detention facilities and parks/open space.

**Right of Way**

The proposed plats included dedication for public roadways, and utilities with specific details outlined below.

19<sup>th</sup> Avenue N between 45<sup>th</sup> Street N and 43<sup>rd</sup> Street N: This section of 19<sup>th</sup> Avenue N has been designated as a Principal Arterial per §20.0702.

- ROW dedication for 19<sup>th</sup> Avenue N shall be 150 feet.
- Street and Street lighting are existing.
- 6 foot multiuse trail shall be installed on the north boulevard of the ROW between 43<sup>rd</sup> Street N and 45<sup>th</sup> Street N
- 10 foot multiuse trail shall be installed on the south boulevard of the ROW between 43<sup>rd</sup> Street N and 45<sup>th</sup> Street N

24<sup>th</sup> Avenue N between 43<sup>rd</sup> Street N and 41<sup>st</sup> Street N: This section of 28<sup>th</sup> Avenue N has been designated as a Local per §20.0702 with street widths and ROW based on §20.0611 with Light Industrial (LI) Zoning

- ROW dedication for 24<sup>th</sup> Avenue N shall be 80 feet.
- Street widths shall be 40' with parking allowed on both sides of the street
- Street lighting shall be determined by the City Engineering Department and installed per city standards
- 6 foot multiuse trail shall be installed on the north boulevard of the ROW between 43<sup>rd</sup> Street N and 42<sup>nd</sup> Street N
- 4.5 foot sidewalks shall be installed on the south boulevard between 43<sup>rd</sup> Street N and 41<sup>st</sup> Street N and north boulevard between 43<sup>rd</sup> Street N and 41<sup>st</sup> Street north as required by §20.0611-1.

28<sup>th</sup> Avenue N between 45<sup>th</sup> Street N and 41<sup>st</sup> Street N: This section of 28<sup>th</sup> Avenue N has been designated as a Local per §20.0702 with street widths and ROW based on §20.0611 with Light Industrial (LI) Zoning

- ROW dedication for 28<sup>th</sup> Avenue N shall be 80 feet.
- Street widths shall be 40' with parking allowed on both sides of the street
- Street lighting shall be determined by the City Engineering Department and installed per city standards
- 10 foot multiuse trail shall be installed on the south boulevard of the ROW
- 4.5 foot sidewalks shall be installed on the north boulevard as required by §20.0611-1.

Site Amenities Plan  
Laverne's Addition  
Page 2 of 3

43<sup>rd</sup> Street N between 19<sup>th</sup> Avenue N and 28<sup>th</sup> Avenue N: This section of 43<sup>rd</sup> Street N has been designated as a Local per §20.0702 with street widths and ROW based §20.0611 with Light Industrial (LI) Zoning

- ROW dedication for 28<sup>th</sup> Avenue N shall be 80 feet.
- Street widths shall be 40' with parking allowed on both sides of the street
- Street lighting shall be determined by the City Engineering Department and installed per city standards
- 8 foot multiuse trail shall be installed on the west boulevard of the ROW
- 4.5 foot sidewalks shall be installed on the east boulevard as required by §20.0611-1.

42<sup>nd</sup> Street N between 24<sup>th</sup> Avenue N and 28<sup>th</sup> Avenue N: This section of 42<sup>nd</sup> Street N has been designated as a Local per §20.0702 with street widths and ROW based §20.0611 with Light Industrial (LI) Zoning

- ROW dedication for 42<sup>nd</sup> Street N shall be 80 feet.
- Street widths shall be 40' with parking allowed on both sides of the street
- Street lighting shall be determined by the City Engineering Department and installed per city standards
- 6 foot multiuse trail shall be installed on the west boulevard of the ROW
- 4.5 foot sidewalks shall be installed on the east boulevard as required by §20.0611-1.

41<sup>st</sup> Street N: This section of 41<sup>st</sup> Street N has been designated as a Local per §20.0702 with street widths and ROW based §20.0611 with Light Industrial (LI) Zoning

- ROW dedication for 42<sup>nd</sup> Street N shall be 80 feet.
- Street widths shall be 40' with parking allowed on both sides of the street
- Street lighting shall be determined by the City Engineering Department and installed per city standards
- 4.5 foot sidewalks shall be installed in boulevard as required by §20.0611-1.

### Utilities

Sanitary Sewer, Storm sewer, and potable water mains are located in 19<sup>th</sup> Avenue North along the south side of the proposed plat. Utilities for the proposed streets are to be constructed by the City of Fargo and will be assessed per the City of Fargo infrastructure funding policy.

### Stormwater Management

Stormwater Management to meet the City of Fargo Retention and Release rates will be the responsibility of the individual lots. Regional Stormwater Management will not be provided.

### Flood Protection:

The proposed platted area is not located in the FEMA Special Flood Hazard Area (SFHA). Portions of the proposed plat are located within the 41-foot Water Surface Elevation Inundation Area (WSEIA). Lots located within the WSEIA will be required to meet the City of Fargo Floodproof Construction

Site Amenities Plan

Laverne's Addition

Page 3 of 3

Requirements. Flood protection design standards will comply with the City of Fargo April 2015 Floodproof Construction Requirements.

Lot 2, Block 1 and Lot 2, Block 2 are provided for construction of a primary flood protection line. The primary flood protection line shall be at an elevation determined by City Engineering and conform with the City of Fargo Standard Specifications.

**Funding of Improvements**

The plat area has access to existing water, storm sewer, and sanitary sewer. These existing utilities will be extended through the proposed public right of way to serve the proposed lots. The proposed street and public utilities will be designed to City of Fargo standards and assessed to the benefiting properties per the City of Fargo Infrastructure Funding Policy. Utilities installed on the individual lots will be the responsibility of the developer.

The amenity plan is hereby approved:

OWNER:

Southeast Cass Water Resource District  
(West 180 feet)

\_\_\_\_\_  
Mark Brodshaug, Chairman

\_\_\_\_\_  
Date

Attest: \_\_\_\_\_  
Carol Harbeke-Lewis, Secretary-Treasurer

\_\_\_\_\_  
Date

OWNER:

Montplaisir Ag and Rental, LLP  
(undivided 42% interest in entire property, less the West 180 feet)



\_\_\_\_\_  
Perry Montplaisir, General Partner

OWNER:

LaVerne A. Montplaisir Family Trust created by Trust Agreement dated December 28, 2012  
(undivided 58% interest in entire property, less the West 180 feet)

  
\_\_\_\_\_  
Perry Montplaisir, Trustee

7-18-18  
Date

\_\_\_\_\_  
Brenda Derrig, City Engineer

\_\_\_\_\_  
Date

AGREEMENT  
(Proximity of Airport and Noise Attenuation)

**THIS AGREEMENT**, Made and entered into this \_\_\_ day of August, 2018, by and between Southeast Cass Water Resource District (West 180 feet), **PERRY MONTPLAISIR**, General Partner of Montplaisir Ag and Rental, LLP (undivided 42% interest in entire property, less the West 180 feet), and **PERRY MONTPLAISIR**, Trustee of the Laverne A. Montplaisir Family Trust created by Trust Agreement dated December 28, 2012 (undivided 58% interest in entire property, less the West 180 feet), hereinafter referred to as "Owners," 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**, the Board of City Commissioners of the City of Fargo have approved and enacted a zoning ordinance to effect such change upon the condition that the Owners and Owners' successors in interest be bound to a covenant acknowledging the proximity of Hector International Airport to Owners' property; 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:

West Half of Section 27, 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 and zoning, 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. Montplaisir Ag and Rental, LLP, and Perry Montplaisir, Trustee of the Laverne A. Montplaisir Family Trust created by Trust Agreement dated December 28, 2012 (collectively, the "Indemnifying Parties") agree 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



the Indemnifying Parties agree 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. Owners agree that this agreement may be recorded on the above-described property and specifically agree 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 Lnd 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

	Discretionary:
65-75	Normally unacceptable
<hr/>	
Below 65	Clearly acceptable
<hr/>	

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 and also recognize the City of Fargo sewage lagoon existence.

In the event Owners do 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:  
Southeast Cass Water Resource District  
(West 180 Feet)

  
\_\_\_\_\_  
DAN JACOBSON, Chairman

ATTEST:

  
\_\_\_\_\_  
CAROL HARBEKE LEWIS, Secretary-Treasurer

OWNER:  
Montplaisir Ag and Rental, LLP  
(Undivided 42% Interest in Entire Property, Less  
The West 180 Feet)

  
\_\_\_\_\_  
PERRY MONTPLAISIR, General Partner

OWNER:  
LaVerne A. Montplaisir Family Trust Created by  
Trust Agreement dated December 28, 2012  
(Undivided 58% Interest in Entire Property, Less  
The West 180 Feet)

  
\_\_\_\_\_  
PERRY MONTPLAISIR, Trustee

THE CITY OF FARGO, NORTH DAKOTA,  
a municipal corporation

By: \_\_\_\_\_  
TIMOTHY J. MAHONEY, Mayor

ATTEST:

\_\_\_\_\_  
STEVEN SPRAGUE, City Auditor



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

On this \_\_\_\_ day of \_\_\_\_\_, 2017, before me, a notary public within and for said county and state, personally appeared **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 )

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

4582

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

1 AN ORDINANCE REZONING CERTAIN PARCELS  
2 OF LAND LYING IN LAVERNE'S ADDITION  
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

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

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning  
9 request on December 5, 2017; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on July 30,  
11 2018,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 Lots One (1), Two (2), and Four (4), Block One (1), Laverne's Addition to the City  
16 of Fargo, Cass County, North Dakota;

17 is hereby rezoned from "AG", Agricultural, District to "P/I", Public and Institutional, District;

18 Section 2. The following described property:

19 Lot Three (3), Block One (1); Lots Five (5) through Thirteen (13), Block One (1); Lots One  
20 (1) through Seven (7), Block Two (2); Lots One (1) through Five (5), Block Three (3) and  
21 Lots One (1) through Four (4), Block Four (4), Laverne's Addition to the City of Fargo,  
22 Cass County, North Dakota;

23 is hereby rezoned from "AG", Agricultural, District to "LI", Limited Industrial, District;

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

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Section 3. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

(SEAL)

Attest:

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

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

First Reading:  
Second Reading:  
Final Passage:



45F

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	19 <sup>th</sup> Avenue Southwest Pond Addition	<b>Date:</b>	5/30/2018
		<b>Update:</b>	7/26/2018
<b>Location:</b>	2102 45 <sup>th</sup> Street North (northwest corner of 45 <sup>th</sup> Street and 19 <sup>th</sup> Avenue North)	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5 <sup>th</sup> Principal Meridian City of Fargo, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	Montplaisir Family Trust / Jim Schlieman-Houston Engineering	<b>Engineer:</b>	Houston Engineering
<b>Entitlements Requested:</b>	<b>Major Subdivision:</b> Portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5 <sup>th</sup> Principal Meridian City of Fargo, Cass County, North Dakota <b>Zone Change</b> (from AG, Agriculture to LI, Limited Industrial; GI, General Industrial; and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses)		
<b>Status:</b>	City Commission Public Hearing: July 30, 2018		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Agricultural	<b>Land Use:</b> Detention basin (City-owned); industrial development
<b>Zoning:</b> AG, Agricultural	<b>Zoning:</b> P/I, Public/Institutional; LI, Limited Industrial; GI, General Industrial
<b>Uses Allowed:</b> AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	<p><b>Uses Allowed:</b> LI 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.</p> <p>GI allows detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.</p> <p>P/I Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste</p>

	<p><del>related use, agriculture, aviation, surface transportation, and major entertainment events;</del>  <b>with a C-O, conditional overlay to restrict uses as shown</b></p>
<p><b>Maximum Density Allowed (Residential):</b>          AG allows a maximum of 1 dwelling unit per 10 acres.</p>	<p><b>Maximum Density Allowed:</b> LI and GI allow 85% building coverage          P/I Zoning District takes on the dimensional standards of the adjacent zoning district</p>

**Proposal:**

The applicant requests two entitlements:

1. A major subdivision, entitled **19<sup>th</sup> Avenue Southwest Pond Addition**, three block, three lot subdivision that is a plat of which is a plat of a portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5<sup>th</sup> Principal Meridian City of Fargo, Cass County, North Dakota.
2. A zone change from AG: Agricultural to LI, Limited Industrial, GI, General Industrial, and P/I, Public/Institutional with a C-O, Conditional Overlay for a portion of the property within the 19<sup>th</sup> Avenue Southwest Pond Addition.

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

**Surrounding Land Uses and Zoning Districts:**

- North: AG, undeveloped
- East: BNSF railroad; AG, undeveloped—to be developed as 19<sup>th</sup> Avenue Northeast Pond Addition with City-owned detention basin and lift station and one lot for industrial development.
- South: South across 19<sup>th</sup> Avenue North GI, General Industrial
- West: AG, undeveloped; further west GI, General Industrial/ Mid-America Steel

**Area Plans:**

This plan is designated for “industrial” land use on the 2007 Tier 1 Northwest Land Use Plan. The 2007 plan designates the LI and GI zoning districts as appropriate for the “industrial” land use category. The P/I zoning designation for City-owned facilities is appropriate in any land use designation.



**Context:**

**Schools:** The subject property is located within the West Fargo Public School District and is served by L.E. Berger Elementary, Cheney Middle, and West Fargo High Schools.

**Neighborhood:** The subject property is not located within a designated neighborhood.

**Parks:** There are no parks within one mile of the subject property.

**Pedestrian / Bicycle:** There are currently no bike trails existing or planned along 19<sup>th</sup> Avenue North in this location.

**Staff Analysis:**

**PLAT AND ZONE CHANGE**

The plat will create three lots in three blocks, with uses and zoning as shown in the table below:

LOT	BLOCK	ZONING	USE
1	1	P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space	City-owned detention basin
1	2	LI, Limited Industrial	Industrial Development
1	3	GI, General Industrial	Industrial Development

**ACCESS:** Lot 1, Block 1 will take access from 19<sup>th</sup> Avenue North. Lots 1 and 2, Block 2 will take access from Sheyenne Loop North.

**STREET DEDICATION:** This plat dedicates public right of way as shown in the table below:

RIGHT OF WAY	ACTION	LOCATION
New route of 19 <sup>th</sup> Avenue North	Dedication	Between Blocks 1 and 2
Sheyenne Loop North	Dedication	West side of Block 2

**Zoning**

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

**1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. The proposed zonings of LI and GI are consistent with the 2007 Tier 1 Northwest Growth Plan designation of the area of this project as "Industrial" Per that plan, the proposed P/I zoning can be used in this land use category, and is the appropriate zoning for a City-owned detention basin.

**(Criteria Satisfied)**

**2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

**3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received one phone inquiry about the project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Tier 1 Northwest Growth Plan, part of the 2007 Growth Plan. This plan designates this property as appropriate for industrial development, which includes the LI and GI zones. The P/I zone is the appropriate designation for City-owned utility facilities. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

**Subdivision**

The LDC stipulates that the following criteria are met before a major plat can be approved

**1. Section 20-0907(C)(1)(Development Review Procedures—Subdivisions—Major Subdivisions) 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.**

The zoning on this property is AG, Agricultural. The proposed zonings of LI and GI are consistent with the 2007 Tier 1 Northwest Growth Plan designation of the area of this project as "Industrial." The P/I zone is the appropriate designation for City-owned utility facilities. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone inquiry about the project.

**(Criteria Satisfied)**

**2. Section 20-0907.4 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.**

This area is designated for "industrial" land use on the 2007 Tier 1 Northwest Land Use Plan. The 2007 plan designates the LI and GI zoning districts as appropriate for the "industrial" land use category. The P/I zoning designation for City-owned facilities is appropriate in any land use designation. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

**(Criteria Satisfied)**

**3. Section 20-0907.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.**

As there are no dedicated public streets within the subdivision, no amenities plan was required (the 19<sup>th</sup> Avenue and Sheyenne Loop North dedications are part of a larger project that is rebuilding those streets). 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.

**Planning Commission Recommendation: June 5, 2018:**

On June 5, 2018, by a vote of 9-0 with two Commissioners absent the Planning Commission voted to accept the findings and recommendations of staff and moved to recommend approval to the City Commission of the proposed 1) zone change from AG, Agricultural to GI, General Industrial; LI, Limited Industrial; and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space; and 2) plat of 19<sup>th</sup> Avenue Southwest Pond Addition plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

**Staff Recommendation:**

Suggested Motion: “To accept the findings and recommendations of staff and the Planning Commission and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on the first reading, and move to approve the proposed: 1) zone change from AG, Agricultural to GI, General Industrial; LI, Limited Industrial; and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space; and 2) plat of **19<sup>th</sup> Avenue Southwest Pond Addition** plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.

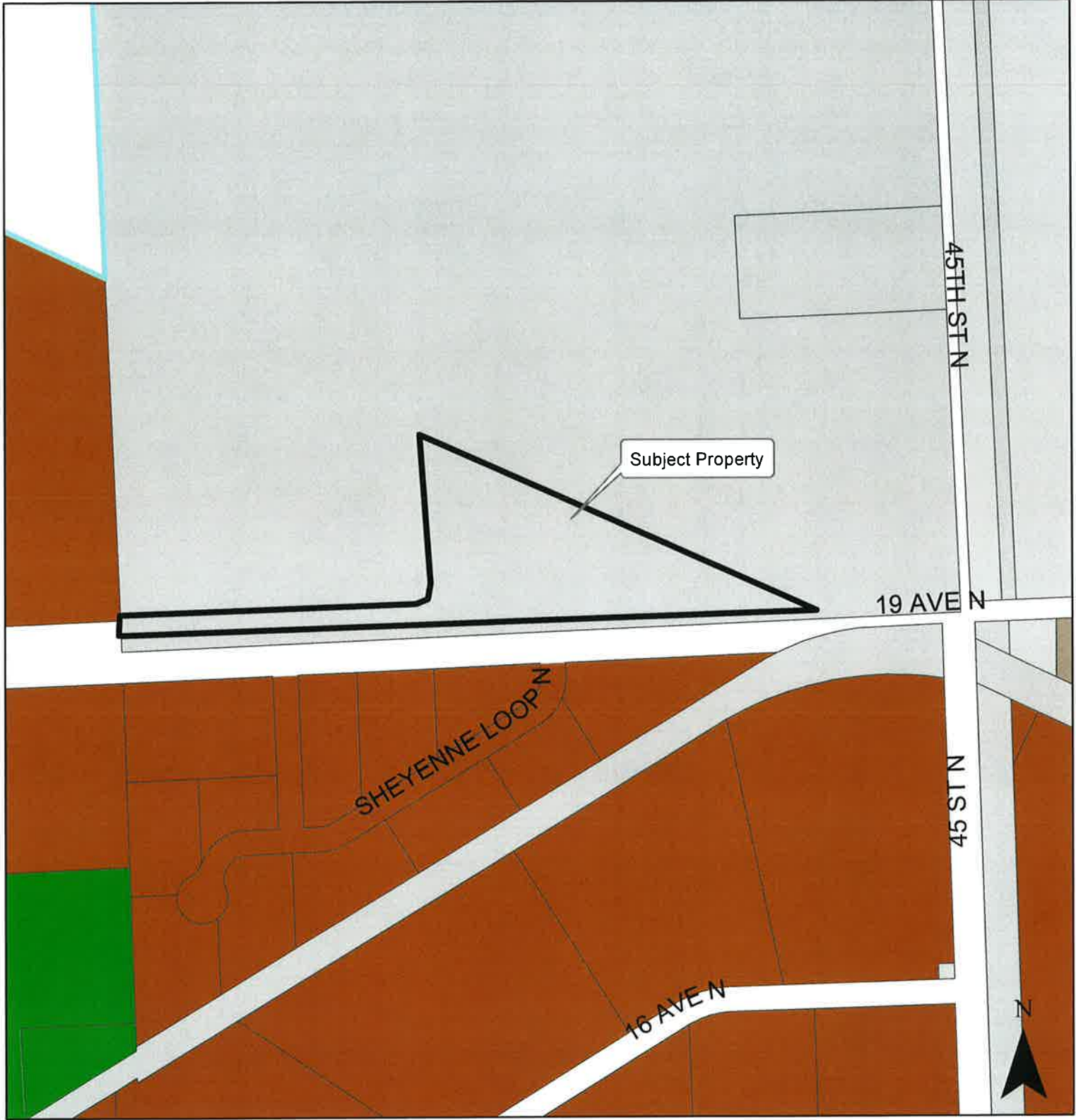
**Attachments:**

1. Zoning Map
2. Location Map
3. Preliminary Plat

# Plat (Major) and Zone Change (AG to LI, GI & P/I with C/O)

## 19th Avenue Southwest Pond Addition

2102 45 Street North



AG	LC	MHP	SR-1
DMU	LI	NCI	SR-2
GC	MR-1	NO	SR-3
GI	MR-2	P/I	SR-4
GO	MR-3	UMU	SR-5

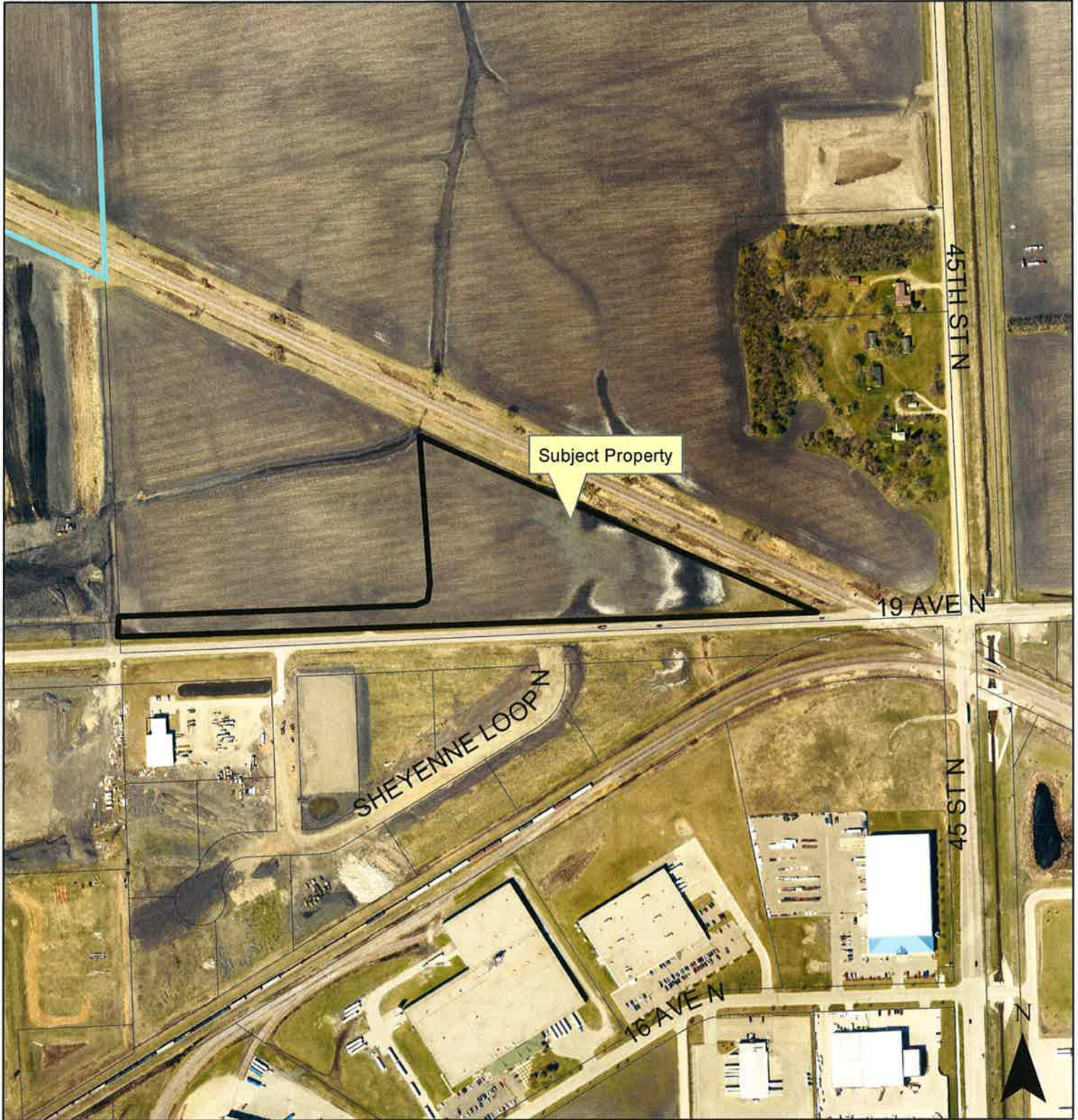
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**Fargo Planning Commission**  
**June 5, 2018**

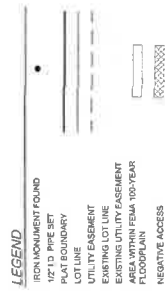
# Plat (Major) and Zone Change (AG to LI, GI & P/I with C/O)

## 19th Avenue Southwest Pond Addition

2102 45 Street North



# 19TH AVENUE SOUTHWEST POND ADDITION A MAJOR PLAT BEING A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 28, T. 140 N., R. 49 W., 5th P.M., TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



MEASUREMENTS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM.

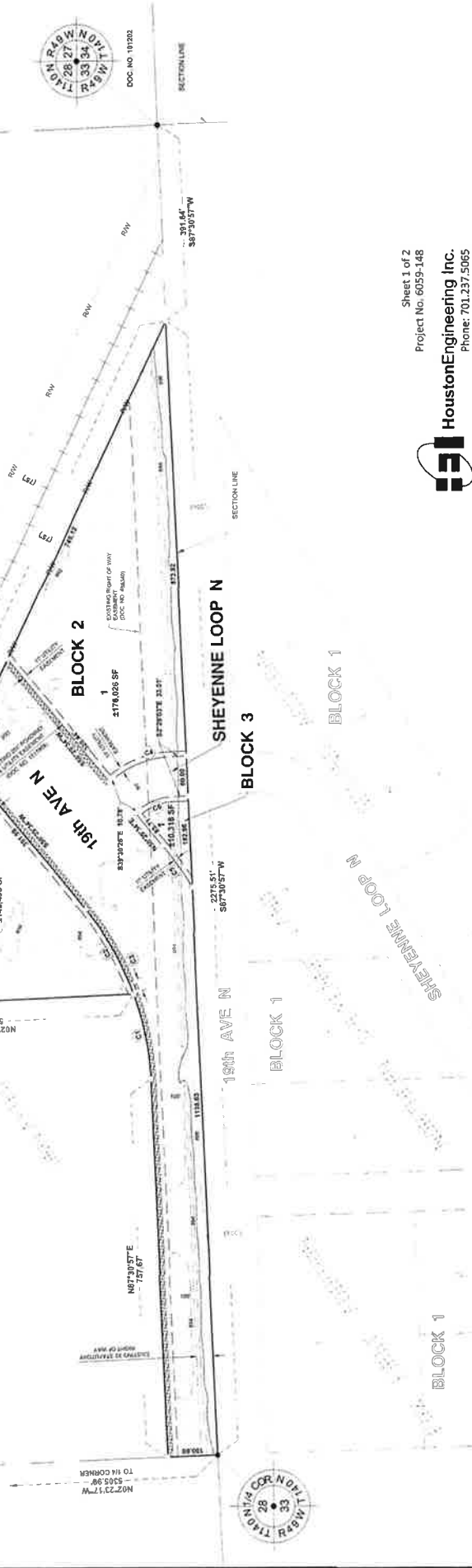
NEGATIVE ACCESS EASEMENT AS NOTED ON THIS PLAT IS AN EASEMENT DEDICATED AS PART OF THE IMPROVEMENT DEDICATION TO A STREET OR PUBLIC WAY FROM AN ADJACENT LOT TO A LOT THAT DOES NOT A STIP OF LAND OF ANY CERTAIN WIDTH, BOUNDARY OF THE ADJACENT LOT OR LOTS.

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	174.58	575.00	117.236°	N87°16'23"E	112.81
C2	196.97	575.00	117.236°	N07°16'23"E	196.01
C3	371.55	575.00	117.236°	S87°07'49"W	369.12
C4	122.77	190.00	37°19'12"	S32°59'44"E	129.65
C5	102.73	775.00	7°32'47"	N54°17'29"E	102.65
C6	71.08	110.00	37°17'22"	N02°39'43"W	89.85

**NOTES**

1 PROPERTY IS SITUATED IN ZONE AE (BASE FLOOD ELEVATIONS DETERMINED) AND ZONE X (SHADES) ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF 1.5 FEET. AREAS WITH AVERAGE DEPTHS OF MORE THAN 1.5 FEET ARE SHOWN WITH A DOTTED PATTERN. AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD AS DETERMINED BY THE FARGO LEVEE DISTRICT ARE SHOWN WITH A HATCHED PATTERN AND DATED JANUARY 18, 2015.

2 BASE FLOOD ELEVATION = 865.7 (NAVD 1988)



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# 19TH AVENUE SOUTHWEST POND ADDITION A MAJOR PLAT

BEING A PLAT OF PART OF THE SOUTHEAST QUARTER  
OF SECTION 28, T. 140 N., R. 49 W., 5th P.M.  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA

Sheet 2 of 2  
Project No. 6055-148  
HoustonEngineering Inc.  
Phone: 701.237.5065

**OWNERS CERTIFICATE:** KNOW ALL PERSONS BY THESE PRESENTS, That Montclair Ag and Rental, LLP, a North Dakota limited liability partnership, is the owner and proprietor of that part of the Southeast Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, described as follows:  
Commencing at the southeast corner of said Section 28; thence South 87°20'57" West, along the southerly line of the Southeast Quarter of said Section 28, for a distance of 1301.64 feet to a point of intersection with the southerly line of Burlington Northern Santa Fe Railway Company right-of-way, and the true point of beginning; thence South 87°20'57" West, along the southerly line of the Southeast Quarter of said Section 28, for a distance of 2275.51 feet to the southwest corner of said Southeast Quarter; thence North 02°22'11" West, along the westerly line of said Southeast Quarter, for a distance of 100.00 feet to a point of intersection with the northerly line of the South 100.00 foot of said Southeast Quarter; thence North 87°20'57" East, along the northerly line of the South 100.00 foot of said Southeast Quarter, for a distance of 757.07 feet to a point of tangential curve to the left, said curve having a radius of 5755.00 feet, thence westerly along said curve for a distance of 174.58 feet through a central angle of 17°22'45"; thence North 02°28'07" West, not tangential to the last described curve, for a distance of 585.19 feet to a point of intersection with the southerly line of said right-of-way; thence South 04°53'11" East, along the southerly line of said right-of-way, for a distance of 1520.98 feet to the true point of beginning.  
Said tracts of land contain 13.112 acres, more or less.

And that said party has caused the same to be surveyed and platted as 19th Avenue Southwest Pond Addition to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the avenue and utility easements shown on the plat.

**OWNER:**  
Montclair Ag and Rental, LLP  
Perry Montclair, General Partner

State of North Dakota  
County of Cass

On this 4 day of June, 2018, before me personally appeared Perry Montclair, General Partner of Montclair Ag and Rental, a North Dakota limited liability partnership, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability partnership.

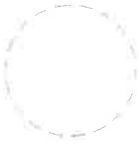
Notary Public: Djvan Hardie



State of North Dakota )  
County of Cass )

On this 4 day of June, 2018, before me personally appeared James A. Sallomen, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: Djvan Hardie



State of North Dakota )  
County of Cass )

On this 5 day of June, 2018, before me personally appeared Brendon E. Oertig, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: \_\_\_\_\_

State of North Dakota )  
County of Cass )

On this 5 day of June, 2018, before me personally appeared Sharrn Fischer, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public: Sharrn Fischer



On this 5 day of June, 2018, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo, and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public: \_\_\_\_\_

19TH AVENUE SOUTHWEST POND ADDITION DWG PLAT (2) 04/17/18 11:11 AM (3/28/18)

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

45f2

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

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
2 LYING IN 19<sup>TH</sup> AVENUE SOUTHWEST POND ADDITION  
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the  
5 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain  
6 parcels of land lying in the proposed 19<sup>th</sup> Avenue Southwest Pond Addition to the City of Fargo,  
7 Cass County, North Dakota; and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning  
9 request on June 5, 2018; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on July 30,  
11 2018,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 Lot Two (2), Block One (1), 19<sup>th</sup> Avenue Southwest Pond Addition to the City of  
16 Fargo, Cass County, North Dakota;

17 is hereby rezoned from "AG", Agricultural, District to "LI", Limited Industrial, District;

18 Section 2. The following described property:

19 Lot Three (3), Block One (1), 19<sup>th</sup> Avenue Southwest Pond Addition to the City of Fargo,  
20 Cass County, North Dakota;

21 is hereby rezoned from "AG", Agricultural, District to "GI", General Industrial, District;

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

Section 3. The following described property:

1 Lot One (1), Block One (1), 19<sup>th</sup> Avenue Southwest Pond Addition to the City of Fargo,  
2 Cass County, North Dakota;

3 is hereby rezoned from "AG", Agricultural, District to "P/I", Public and Institutional, District with a  
4 "C-O", Conditional Overlay as follows:

- 5 • Restrict land uses to detention facilities and park/open space.

6 Section 4. The City Auditor is hereby directed to amend the zoning map now on file in his  
7 office so as to conform with and carry out the provisions of this ordinance.

8 Section 5. This ordinance shall be in full force and effect from and after its passage and  
9 approval.

10  
11  
12 (SEAL)

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

13 Attest:

14  
15  
16 \_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:

459

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	19 <sup>th</sup> Avenue Northeast Pond Addition	<b>Date:</b>	5/30/2018
		<b>Update:</b>	7/26/2018
<b>Location:</b>	2102 45 <sup>th</sup> Street North (northwest corner of 45 <sup>th</sup> Street and 19 <sup>th</sup> Avenue North)	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5 <sup>th</sup> Principal Meridian City of Fargo, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	Montplaisir Family Trust / Jim Schlieman-Houston Engineering	<b>Engineer:</b>	Houston Engineering
<b>Entitlements Requested:</b>	<b>Major Subdivision:</b> Portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5 <sup>th</sup> Principal Meridian City of Fargo, Cass County, North Dakota <b>Zone Change</b> (from AG, Agriculture to LI, Limited Industrial and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses)		
<b>Status:</b>	City Commission Public Hearing: July 30, 2018		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Agricultural	<b>Land Use:</b> Detention basin and lift station (City-owned); industrial development
<b>Zoning:</b> AG, Agricultural	<b>Zoning:</b> P/I, Public/Institutional; LI, Limited Industrial
<b>Uses Allowed:</b> AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	<b>Uses Allowed:</b> LI 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. <del>P/I Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events;</del> <b>with a C-O, conditional overlay to restrict uses as shown</b>
<b>Maximum Density Allowed (Residential):</b> AG allows a maximum of 1 dwelling unit per 10 acres.	<b>Maximum Density Allowed:</b> LI allows 85% building coverage. P/I Zoning District takes on the dimensional standards of the adjacent zoning district

<b>Proposal:</b>
The applicant requests two entitlements:

1. A major subdivision, entitled **19<sup>th</sup> Avenue Northeast Pond Addition**, three block, three lot subdivision which is a plat of a portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5<sup>th</sup> Principal Meridian City of Fargo, Cass County, North Dakota
2. A zone change from AG: Agricultural to LI, Limited Industrial and P/I, Public/Institutional with a C-O, Conditional Overlay for a portion of the property within the 19<sup>th</sup> Avenue Northeast Pond Addition.

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

**Surrounding Land Uses and Zoning Districts:**

- North: AG, undeveloped
- East: across 45<sup>th</sup> Street North LI, Limited Industrial—plat pending for Laverne’s Addition.
- South: South across 19<sup>th</sup> Avenue North GI, General Industrial
- West: BNSF railroad; AG, undeveloped—to be developed as 19<sup>th</sup> Avenue Southwest Pond Addition with City-owned detention basin and two lots for industrial development.

**Area Plans:**

This area is designated for “industrial” land use on the 2007 Tier 1 Northwest Land Use Plan. The 2007 plan designates the LI and GI zoning districts as appropriate for the “industrial” land use category. The P/I zoning designation for City-owned facilities is appropriate in any land use designation.



- Agricultural Research
- Commercial Area
- Existing Park
- Future School
- Industrial Area
- Proposed Park
- Residential Area - lower to medium density
- Residential Area - medium to high density
- Residential Area - rural

**Context:**

**Schools:** The subject property is located within the West Fargo Public School District and is served by L.E. Berger Elementary, Cheney Middle, and West Fargo High Schools.

**Neighborhood:** The subject property is not located within a designated neighborhood.

**Parks:** There are no parks within one mile of the subject property.

**Pedestrian / Bicycle:** There are currently no bike trails existing or planned along 19<sup>th</sup> Avenue North in this location.

(continued on next page)

<b>Staff Analysis:</b>									
<b>PLAT AND ZONE CHANGE</b>									
The plat will create three lots in three blocks, with uses and zoning as shown in the table below:									
LOT	BLOCK	ZONING	USE						
1	1	P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space	City-owned lift station						
1	2	P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space	City-owned detention basin						
1	3	LI, Limited Industrial	Industrial Development						
<p><b>ACCESS:</b> All lots will take access from 19<sup>th</sup> Avenue North through breaks in the negative access easement as indicated on the plat. There will be no access available from 45<sup>th</sup> Street North.</p> <p><b>STREET DEDICATION:</b> This plat dedicates public right of way as shown in the table below:</p> <table border="1"> <thead> <tr> <th>RIGHT OF WAY</th> <th>ACTION</th> <th>LOCATION</th> </tr> </thead> <tbody> <tr> <td>New route of 19<sup>th</sup> Avenue North</td> <td>Dedication</td> <td>Between Blocks 1 and 2 (north side) and Block 3 (south side)</td> </tr> </tbody> </table>				RIGHT OF WAY	ACTION	LOCATION	New route of 19 <sup>th</sup> Avenue North	Dedication	Between Blocks 1 and 2 (north side) and Block 3 (south side)
RIGHT OF WAY	ACTION	LOCATION							
New route of 19 <sup>th</sup> Avenue North	Dedication	Between Blocks 1 and 2 (north side) and Block 3 (south side)							
<p><b>Zoning</b></p> <p>Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:</p> <p><b>1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?</b></p> <p>Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. The proposed zoning of LI zoning is consistent with the 2007 Tier 1 Northwest Growth Plan designation of the area of this project as "Industrial" Per that plan, the proposed P/I zoning can be used in this land use category, and is the appropriate zoning for a City-owned detention basin and lift station. The lift station is considered part of the detention facilities. <b>(Criteria Satisfied)</b></p> <p><b>2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?</b></p> <p>City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will provide access and public utilities to serve the development. <b>(Criteria satisfied)</b></p> <p><b>3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?</b></p> <p>Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received one phone inquiry about the project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. <b>(Criteria satisfied)</b></p> <p><b>4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?</b></p>									

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.” The Growth Plan that applies to this property is the 2007 Tier 1 Northwest Growth Plan, part of the 2007 Growth Plan. This plan designates this property as appropriate for industrial development, which includes the LI zone. The P/I zone is the appropriate designation for City-owned utility facilities. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

**Subdivision**

The LDC stipulates that the following criteria are met before a major plat can be approved

1. **Section 20-0907(C))(1)(Development Review Procedures—Subdivisions—Major Subdivisions) 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.** The zoning on this property is AG, Agricultural. The proposed zoning of LI is consistent with the 2007 Tier 1 Northwest Growth Plan designation of the area of this project as “Industrial.” The P/I zone is the appropriate designation for City-owned utility facilities. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone inquiry about the project. **(Criteria Satisfied)**
  
2. **Section 20-0907.4 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.** This area is designated for “industrial” land use on the 2007 Tier 1 Northwest Land Use Plan. The 2007 plan designates the LI zoning district as appropriate for the “industrial” land use category. The P/I zoning designation for City-owned facilities is appropriate in any land use designation. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**
  
3. **Section 20-0907.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.** As there are no dedicated public streets within the subdivision, no amenities plan was required (the 19<sup>th</sup> Avenue dedication is part of a larger project that is rebuilding that street). 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.

**Planning Commission Recommendation: June 5, 2018**

On June 5, 2018, by a vote of 9-0 with two Commissioners absent, the Planning Commission voted to accept the findings and recommendations of staff and moved to recommend approval to the City Commission of the proposed 1) zone change from AG, Agricultural to LI, Limited Industrial and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space; and 2) plat of 19<sup>th</sup> Avenue Northeast Pond Addition plat as presented; as the proposal complies with the Go2030 Plan, 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on the first reading, and move to approve the proposed: 1) zone change from AG, Agricultural to LI, Limited Industrial and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space; and 2) plat of **19<sup>th</sup> Avenue Northeast Pond Addition** plat as presented; as the proposal complies with the Go2030 Plan, 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.

**Attachments:**

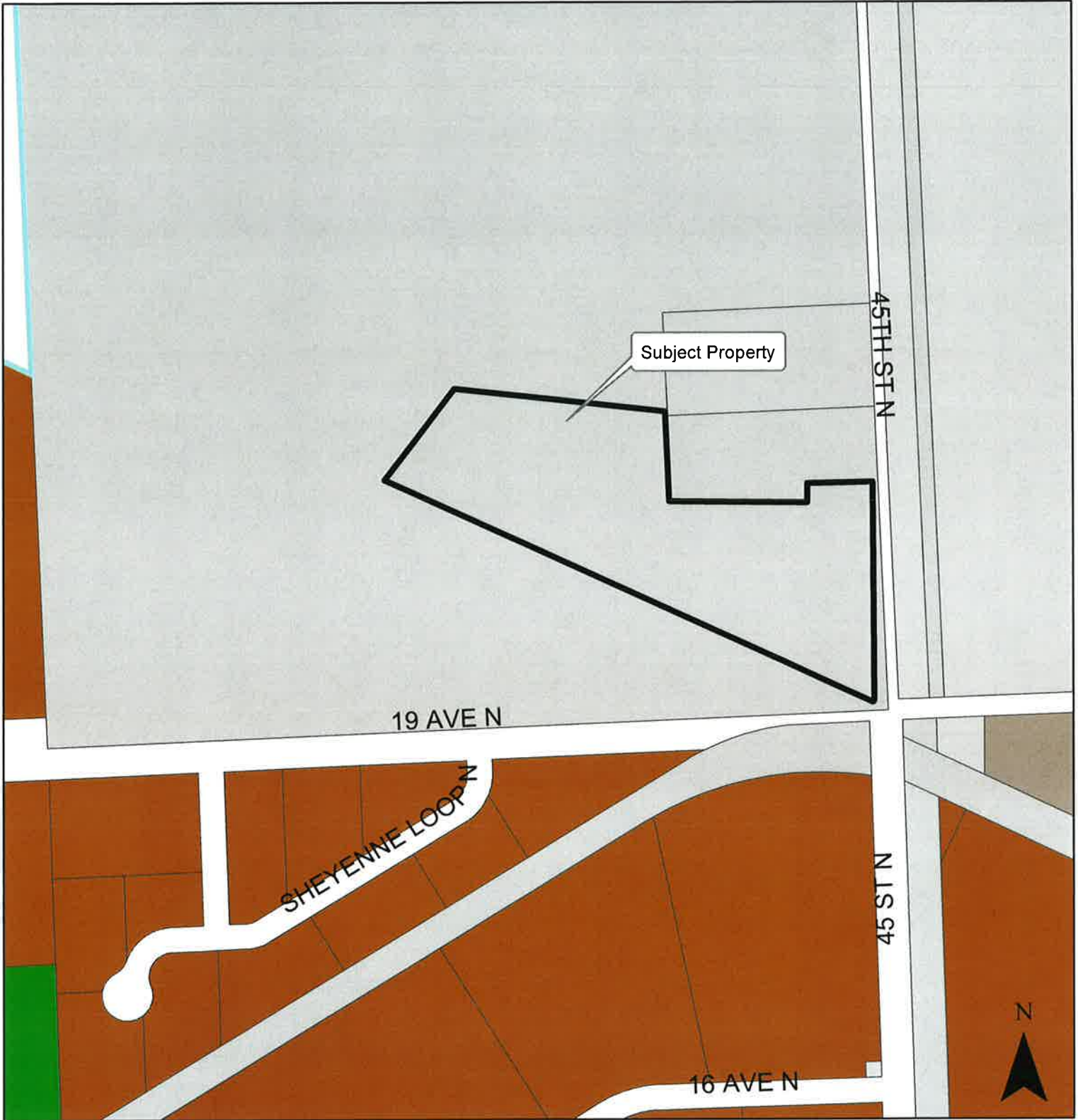
1. Zoning Map
2. Location Map
3. Preliminary Plat



# Plat (Major) and Zone Change (AG to LI, GI & P/I with C/O)

## 19th Avenue Northeast Pond Addition

2102 45 Street North



AG	LC	MHP	SR-1
DMU	LI	NCI	SR-2
GC	MR-1	NO	SR-3
GI	MR-2	P/I	SR-4
GO	MR-3	UMU	SR-5

300  
Feet

**Fargo Planning Commission**  
**June 5, 2018**

# Plat (Major) and Zone Change (AG to LI, GI & P/I with C/O)

## 19th Avenue Northeast Pond Addition

2102 45 Street North





# 19TH AVENUE NORTHEAST POND ADDITION A MAJOR PLAT

BEING A PLAT OF PART OF THE SOUTHEAST QUARTER  
OF SECTION 28, T. 140 N., R. 49 W., 5th P.M.  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA

**OWNERS CERTIFICATE:** THESE PRESENTS, The Montpelier Ag and Rental, LLP, a North Dakota limited liability partnership, is the owner and proprietor of that part of the Southeast Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, described as follows:  
Commencing at the southeast corner of said Section 28; thence South 87°45'57" West, along the southerly line of the Southeast Quarter of said Section 28, for a distance of 69.64 feet to a point of intersection with the northeasterly line of said Southeast Quarter, thence North 87°43'11" West, along the southerly line of said right-of-way, for a distance of 34.30 feet to a point of intersection with the westerly line of the East 100.00 feet of said Southeast Quarter, and the true point of beginning, thence North 02°25'27" West, along the westerly line of the East 100.00 feet of said Southeast Quarter, for a distance of 768.71 feet; thence South 87°33'05" West for a distance of 130.00 feet; thence South 02°25'27" East for a distance of 65.00 feet; thence South 87°33'05" West for a distance of 405.47 feet to a point of tangential curve to the left, said curve having a radius of 775.00 feet; thence westerly along said curve for a distance of 104.86 feet, through a central angle of 07°45'05"; thence North 02°25'25" West, not tangent to the last described curve, for a distance of 290.32 feet; thence North 85°26'51" West for a distance of 675.00 feet; thence South 25°16'27" West for a distance of 310.52 feet to a point of intersection with the northeasterly line of said right-of-way; thence South 64°43'11" East, along the northeasterly line of said right-of-way, for a distance of 1692.70 feet to the true point of beginning.

Said line of land contains 16 1/8 acres, more or less.  
And that said each has created the same to be surveyed and platted as 19th Avenue Northeast Pond Addition to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the avenue and utility easements shown on the plat.

**OWNER:**  
Montpelier Ag and Rental, LLP  
Perry Montpelier, General Partner

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:**  
I, James A. Schlieman, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said section; that the monuments for the plat and any future surveys have been located or placed in the proper positions.

Dated this 9th day of June, 2018.  
James A. Schlieman, Professional Land Surveyor No. 6386



**CITY ENGINEER'S APPROVAL:**  
Approved by the Fargo City Engineer, this 5th day of June, 2018.  
Brenda E. Demp, City Engineer



**FARGO PLANNING COMMISSION APPROVAL:**  
Approved by the City of Fargo Planning Commission this 5th day of June, 2018.  
Shara Fischer, Chair  
Fargo Planning Commission

**FARGO CITY COMMISSION APPROVAL:**  
Approved by the Board of City Commissioners and ordered filed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
Timothy J. Mahoney, Mayor

Attest:  
Stevens Sprague, City Auditor  
State of North Dakota  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo, and Shara Fischer, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public: \_\_\_\_\_



State of North Dakota  
County of Cass  
On this 4 day of June, 2018, before me personally appeared Perry Montpelier, General Partner of Montpelier Ag and Rental, a North Dakota limited liability partnership, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability partnership.

Notary Public: D. James Anderson



State of North Dakota  
County of Cass  
On this 4 day of June, 2018, before me personally appeared James A. Schlieman, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: D. James Anderson



State of North Dakota  
County of Cass  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Brenda E. Demp, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_



State of North Dakota  
County of Cass  
On this 5th day of June, 2018, before me personally appeared Shara Fischer, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public: D. James Anderson



4592

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN 19<sup>TH</sup> AVENUE NORTHEAST POND ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in the proposed 19<sup>th</sup> Avenue Northeast Pond Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on June 5, 2018; and,

WHEREAS, the rezoning changes were approved by the City Commission on July 30, 2018,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot One (1), Block Three (3), 19<sup>th</sup> Avenue Northeast Pond Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from “AG”, Agricultural, District to “LI”, Limited Industrial, District;

Section 2. The following described property:

Lot One (1), Block One (1) and Lot One (1), Block Two (2), 19<sup>th</sup> Avenue Northeast Pond Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from “AG”, Agricultural, District to “P/I”, Public and Institutional, District with a “C-O”, Conditional Overlay as follows:

- Restrict land uses to detention facilities and park/open space.

Section 3. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

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

(SEAL)

Attest:

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

First Reading:  
Second Reading:  
Final Passage:




**Dr. Timothy J. Mahoney, Mayor**

Fargo City Hall  
200 3rd Street North  
Fargo, ND 58102  
Phone 701.241.1310 | Fax: 701.476.4136  
TMahoney@FargoND.gov

**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: MAYOR TIMOTHY J. MAHONEY** 

**DATE: JULY 26, 2018**

**SUBJECT: APPOINTMENT TO THE PARKING COMMISSION**

The term of Mike Williams on the Parking Commission expired on June 30, 2018. Mr. Williams is willing to continue his service on the Board and I am, therefore, recommending his reappointment.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the reappointment of Mike Williams to the Parking Commission for a three-year term ending June 30, 2021.

mmappt18pc

47

Agenda item for July 30 Fargo City Commission meeting

Submitted by: Fargo Parking Commission

Subject: Pilot project application for Roberts Ramp

Fargo Parking has an opportunity to add value to our innovative and successful Roberts Ramp by utilizing many of the future ready features we suggested for the design.

The electrical infrastructure is beefed up to provide capacity for enhanced energy features that will improve efficiency with smart controls, some on site energy production and storage, and provide the first public smart electric vehicle charging stations in Fargo as the availability and use of electric vehicles is growing.

Over the past months a group of us have been researching and analyzing ways we can best utilize these future ready features for a pilot project that we can submit in an application to the North Dakota Renewable Energy Program for available matching funds.

The grant request for this smart energy pilot project to the NDREC is for \$280,000 matched by local funds and in-kind contributions. The contributors include Xcel Energy, Microsoft, and others. If our submission is approved for funding, the Fargo share is \$50,000 of the \$280,000 local matching funds.

- this project will help us learn and share ways this pilot can add value for this and other developments integrating smart controls, on site energy production, and storage to help optimize the system and help shave peaks and limited back up power.
- We'll be using the future ready features built in to the Roberts Ramp electrical infrastructure.
- Helps optimize the local grid and reduce energy use and emissions
- Fargo parking can help pave the way to a smart energy future

Motion: Approve \$50,000 for Fargo share of local matching funds over 18 month project timeline for an August 1<sup>st</sup> 2018 application for Roberts Ramp smart energy ramp pilot project for North Dakota Renewable Energy Funds.

Approval to submit an application for North Dakota Renewable Energy Program for \$280,000 of funding for this public/private pilot project upon approval by ND Industrial Commission.





**BORDER STATES**  
Supply Chain Solutions™

605 105 25<sup>th</sup> Street S  
Fargo, ND 58103  
701.239.7480 phone  
701.232.7673 fax

07/17/2018

Fargo City Commission  
200 3<sup>rd</sup> Street North  
Fargo, ND 58102

RE: Fargo's Smart Energy Parking Ramp

Border States is excited to support the proposed effort to make the Roberts Commons parking facility "carbon neutral". Border States has been involved in promoting and supporting the use of solar in our region for many years. Solar has been viewed as "not economical" or "inefficient" in our geography, this project would showcase today's advances in solar and power storage as well as "smart" energy management. Solar power has become a very viable energy solution in our climate area and BSE appreciates the opportunity to be a part of facilitating it.

Border States is committed to the success of this endeavor and support all the entities involved to make this a showcase for the City of Fargo. We feel that having a highly visible, fully functional smart grid capable installation is essential to proving the "smart" technologies that will advance the view of solar and "smart grid" opportunities available today. This installation can become the first step toward the Fargo community utilizing renewable energy resources.

Border States would appreciate a favorable decision by the Commissioners to allow this project to move forward.

Sincerely,

Tim Conmy  
Area Director/Northern Plains  
Border States Electric



July 26, 2018

Fargo City Commission  
200 3<sup>rd</sup> Street North  
Fargo, ND 58102

Subject: Fargo's Smart Energy Parking Ramp

MBN Engineering, Inc is pleased to assist the City of Fargo and eSmart Systems in developing the Fargo Smart Energy Parking Ramp project. MBN Engineering has been assisting the project partners in planning and developing the infrastructure to support a photovoltaic energy system with battery storage on the roof of the ramp, electric vehicle charging systems, and smart controls to allow users to interact with the systems.

We encourage the City Commission to support the proposal to the North Dakota Renewable Energy Commission to implement this project. The project will be an example of how solar energy systems and electric vehicles can be used to reduce energy usage and be a resource for the downtown Fargo community.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Berger". The signature is fluid and cursive, written over a white background.

Michael A. Berger, P.E.  
*Electrical Engineer*



**Kilbourne Group**  
210 Broadway, Suite 300  
Fargo, ND 58102  
p: (701) 237-2279  
e: info@kilbournegroup.com  
www.kilbournegroup.com

July 25, 2018

City of Fargo Parking Commission  
200 3<sup>rd</sup> Street N  
Fargo, ND 58102

Re: Roberts Commons Solar Power Project

Parking Commissioners

Kilbourne Group supports the effort of the City of Fargo, Xcel Energy, and eSmart Systems "Fargo's Smart Energy Parking Ramp" proposal to the North Dakota Renewable Energy Program. We believe this pilot project would provide valuable insight into best practices to integrate renewable energy into future construction projects. The use of battery storage to power smart electric vehicle charging stations would be a great addition to downtown for electric vehicle owners working, living, or visiting downtown.

There is an opportunity to integrate smart energy solutions into future multi-use buildings. This pilot program will help all stakeholders to realize its full potential.

Sincerely,

  
Mike Allmendinger  
President

## Fargo's Smart Energy Parking Ramp

Optimizing the use of EV, PV, Storage and Load Control with Artificial Intelligence  
To reduce Carbon Footprint and Provide Value-Added Services  
In a Public-Private Partnership


### Background

In February, 2016 the City of Fargo and a local developer collaborated building a public-private partnership around the Roberts Commons project. (This project based on a working model at Vulkan 5 P-Hus in Oslo Norway), as described in Appendix A, is the first of its kind in the region: Mixed use development in an area of 7 parcels used solely for low value surface parking. The private portion of the project wraps the City owned 455-space parking structure with 72 new residences and new retail commercial businesses on ground level to keep sidewalks and alley active and add value.

### Where Do We Grow From Here?



- 0 residential units
- 0 retail units
- 195 parking spaces
- Currently generates **\$3,379** in annual taxes



The future Roberts Street Mixed Use Development Project in Downtown Fargo

- 140 residential units
- Affordable pop-up retail
- 6,000 sq. feet of commercial space
- 450+ public parking places
- 75 bike spaces
- Projected to generate **\$240,000** in annual taxes after Renaissance Zone exemption period

### Project Goal

The partners desire to make RoCo a prototype for "A Smart Clean Energy Package" to cost-effectively show how we can add value by building quality, energy efficient, mixed use developments on acres of flat surface parking. This helps reduce transportation costs and less car-centric, replacing economic crater flat surface parking lots with quality mixed use, and lower the carbon footprint of the City – both in buildings and transportation. Presently the downtown has 20,000 jobs with a growing population of 5,000. Fargo's goal is to have 15,000 people living in this area without increasing number of vehicles through mixed use to promote walking, growing transit, bikeshare, carshare and on demand car services Uber and Lyft. Project components:

- **EV's to GO!** The city transit system Matbus will operate a small pool of electric vehicles hosted and charged at the ramp to help increase number of transit commuters to reduce "Stranded anxiety" for people that take the bus, carpool, walk, or bike. The EV's will be available for rent by the hour with a smart phone app.

- EV smart charging/powerwall battery: Two way flow of electricity and data with smart chargers connected to a house smart meter to allow the powerwall and cars batteries to be drawn down from a full charge to provide onsite backup or passive power when needed.
- EV charging will occur at specific lower rate periods so as not to increase peak demands thereby straining the local electric grid and subjecting the City to significantly increased peak demand charges.
- On site solar on NE portion of top floor for passive power.

Several measures are introduced in the Smart Clean Energy Package to:

1. use renewable energy to off-set the carbon output of fossil fuels– either that from power plants or that from automobiles, and
2. mitigate the impact on peak demand for both the City and the Utility from using EV charging.

After introducing the project team, two different scales of packages of measures are proposed below with two different funding options.

### **Project Team**

Our feasibility analysis team and partners in this public/private endeavor include:

- City of Fargo: owner of parking ramp and Matbus operating EV's to Go carshare
- eSmart <https://www.esmartsystems.com> has experience in using Artificial Intelligence to bring intelligent control to a clean energy package in similar projects, such as the European Union's EMPOWER project.
- Kilbourne Group <https://kilbournegroup.com>, owner of private residences and commercial space wrapping the ramp
- Xcel Energy, the local utility serving this area of Fargo, has interest both in renewable energy and in understanding and managing its impact on grid reliability.

### **The Project**

#### **Full Scale Project – Package 1**

The full RoCo Smart Clean Energy Package is envisioned to have the following measures:

- On-site photovoltaic (PV) solar (15 kW) on the roof, which will also shade cars on the top floor of the parking structure;
- Five Electric Vehicles (EVs) that will operate in a car share similar to record setting Great Rides Bike Share program; Matbus will work to add more EV's to the carshare as funds become available.
- Five dual charge EV chargers with the ability to remotely control the chargers – with one charger allowing discharge of the EV's battery to help balance the demand;
- On-site battery storage to better balance electricity demand with solar output;
- Intelligent load control that will reduce the peak electricity demand of the Roberts Ramp/RoCo facility (City portion and Kilbourne portion) – taking into consideration the ability to manage the EV charging, the common area load, the battery storage and the garage lighting;
- Off-site PV production (175 kW) that is ground mounted on property at a major City electricity using facility (e.g., sewage treatment plant) – the solar renewable energy credits (SRECs) for such PV production would be internally allocated by the City to the Roberts Ramp/RoCo project with the goal of moving the Roberts Ramp/RoCo project toward carbon neutrality;
- Sales of SREC – to help off-set the cost of the solar facility, the Kilbourne Group will offer RoCo retail businesses and residents the opportunity to buy SRECs from the solar facilities;

- Design Report – report recommending how to implement some version of the Smart Clean Energy Package more cost-effectively in a new or re-model building construction;
- Final Report – report on the analysis of the project including usage of EVs and SRECs, electricity source (on-site solar, off-site solar) and use (battery, EV charging output, change in electricity use profiles for lighting and other loads due to intelligent load control).

Package 1 Budget:

**Cost estimates:**

175 KW offsite solar @ \$1.50 per watt installed	\$262,500
15 KW onsite solar @ \$3.50 per watt installed	\$52,500
5- 2018 Nissan Leafs @ \$30,000 ea	\$150,000
5 dual cord level II chargers @ \$5,000 ea	\$25,000
Other items:	\$179,000

Lighting controls

Battery Storage

HVAC controls

Software License

Programs Ops

**Project Management:** \$105,000

End Use Data Collection and Analysis

Design report to partners to share how to efficiently design new & re-model projects in the future to include such features

Final Report

Some of these costs are covered by in-kind contributions, \$774,000 total project

**Cost Sharing**

City of Fargo	\$237,000
Georgetown	
Energy prize	
Private Companies (eSmart Systems, Kilbourne, Xcel Energy, BSE)	\$150,000
State of North Dakota Renewable Energy Program	\$387,000
	<hr/>
	\$774,000



2302 Great Northern Drive  
P O Box 2747  
Fargo, North Dakota 58108

July 23, 2018

Mr. Terry Sando  
eSmart Systems US, Inc.  
412 5th Ave, SE,  
Hillsboro, ND 58045

RE: "Fargo's Smart Energy Parking Ramp: Optimizing the Use of a Renewable Energy Package (PV, Storage, EV, and Load Control) to lower energy costs and provide value-added services in a Public-Private Partnership" -- A Proposal to the North Dakota Renewable Energy Program

Dear Mr. Sando,

This is to inform you that Xcel Energy is interested in participating as a partner in the Proposal to the North Dakota Renewable Energy Program (REP) called "Fargo's Smart Energy Parking Ramp". Xcel Energy likes the way this project uses Artificial Intelligence to optimize the use of a unique Renewable Energy Package – Photovoltaics, Battery Storage, Electrical Vehicle Charging and load control to lower energy costs and reduce carbon footprint.

In particular Xcel Energy sees benefits from this project in terms of providing insights on how:

- To integrate this renewable energy package into the grid so as minimize the impact on the local T&D grid as well as to increase the use of renewable energy,
- such a package might be operated in a manner that would be consistent with operating under real-time pricing of electricity,
- Future designs of MISO pricing could affect the operations of renewable energy packages,
- Other new build or re-model projects might consider similar renewable energy packages in their design.

For these reasons Xcel Energy is willing to participate in this project in:

- Metering of electricity use,
- An Advisory capacity in reviewing the project analysis and report recommendations.

Our expected non-cash resources commitment is \$40,000.

Let me know if you have any questions.

Regards,

A handwritten signature in blue ink, appearing to read 'Mark Nisbet'.

Mark Nisbet  
Xcel Energy Principal Manager



**Finance Office**

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

(48)

**TO: BOARD OF CITY COMMISSIONERS**  
**FROM: KENT COSTIN, DIRECTOR OF FINANCE** *Ksc*  
**RE: RESOLUTION AUTHORIZING THE ISSUANCE OF TAXABLE ANNUAL APPROPRIATION BONDS, SERIES 2018E (BLOCK 9 PROJECT), APPROVING CERTAIN ACTIONS, AWARDED THE SALE THEREOF AND APPROVING FORMS OF DOCUMENTS REQUIRED THEREWITH**  
**DATE: JULY 24, 2018**

The Block 9 project financing is scheduled to be completed by September 6, 2018. Pursuant to the financing plans, the City of Fargo will issue taxable annual appropriation bonds to fund the parking ramp portion of this project and previously agreed to within development agreements that you have already approved.

A bond issue parameters resolution authorizes the issuance of bonds subject to certain condition and is include for your review. We have used this practice in the past and it works successfully.

Other documents attached include the bond indenture, and the preliminary offering statement for the bonds sale, and the summary of terms for this transaction.

Your approval of the resolution issue authorizing the issuance of the bonds is requested, subject to the conditions within the bond parameters resolution.

**Suggested Motion:**

Approve the Block 9 bond sale parameters resolution authorizing the issuance of taxable annual appropriation bonds for the Block 9 project, approving certain actions, awarding the sale thereof and approving forms of documents required.



RESOLUTION AUTHORIZING THE ISSUANCE OF  
TAXABLE ANNUAL APPROPRIATION BONDS, SERIES 2018E  
(BLOCK NINE PROJECT), APPROVING CERTAIN ACTIONS,  
AWARDING THE SALE THEREOF AND APPROVING FORMS OF  
DOCUMENTS REQUIRED IN CONNECTION THEREWITH

WHEREAS, pursuant to Section 40-05-01 Subd 2 of the North Dakota Century Code and Article 3-0802 of the Issuer's Home Rule Charter (collectively the "Act") (as the same may from time to time be amended the "Act"), the City of Fargo, North Dakota (the "Issuer") is authorized and empowered, among other things, to issue its bonds to finance various facilities, including the Project (as defined herein); and

WHEREAS, the Issuer has previously entered into that certain Development Agreement (the "Development Agreement") by and between the Issuer and Block 9 Partners LLC, dated as of May 23, 2016 (as amended, the "Development Agreement") for the development of a project, including construction of the Block Nine Garage, multi-use public plaza, and pedestrian skyway connection (the "Project"); and

WHEREAS, on May 23, 2016, and June 5, 2017, the Issuer gave preliminary approval to the undertaking of the Project; and

WHEREAS, pursuant to a Bond Trust Indenture (the "Indenture") between the Issuer and U.S. Bank National Association (the "Trustee"), the Issuer will issue its Taxable Annual Appropriation Bonds, Series 2018E (Block Nine Project) (the "Bonds") to finance (i) the public contribution to the Project, the status of which as a public facility or undertaking is hereby ratified (ii) interest on the Bonds during construction, (iii) costs of issuance for the Bonds, and (iv) a deposit to a debt service reserve fund for the Bonds; and

WHEREAS, repayment of such obligations would be subject to the appropriation annually by the Issuer of amounts sufficient to pay debt service on such obligations for the following fiscal year of the Issuer, all as further set forth herein and in the Indenture; and

WHEREAS, such annual appropriation obligations do not constitute public debt under any constitutional or statutory provision of the State of North Dakota and upon a failure to appropriate moneys sufficient to pay debt service, such obligations would be cancelled and the Issuer would have no further obligation for payment of any amounts relating to such obligations; and

WHEREAS, such annual appropriation bonds shall be payable solely from legally available funds of the Issuer appropriated annually and shall not be payable from, or be secured by any pledge of, any other funds, revenues, assets or taxing power of the Issuer.

BE IT RESOLVED by the governing body of City of Fargo, Cass County, North Dakota, as follows:

1. Approval of Bond Purchase Agreement. The selection of Robert W. Baird & Co., Incorporated as purchaser and underwriter of the Bonds (the "Underwriter") is hereby satisfied,

confirmed and approved. The Bonds shall be sold to the Underwriter in accordance with and upon the terms and conditions set forth in the Bond Purchase Agreement. The proposal of the Underwriter to purchase the Bonds, as further provided in the Bond Purchase Agreement, at the purchase price set forth therein, is hereby accepted. The Bond Purchase Agreement is approved substantially in the form presented, and any of the Mayor, City Auditor, and Director of Finance are hereby authorized to execute and deliver the Bond Purchase Agreement with such other changes, deletions and additions thereto as they may determine appropriate, such determination and the award of the sale by the Director of Finance to be conclusively evidenced by the execution and delivery of the Bond Purchase Agreement. In the absence of the Mayor, City Auditor, and Director of Finance, the Deputy Mayor and the Deputy City Auditor, as the case may be, are authorized to execute the Bond Purchase Agreement.

2. Execution and Delivery of the Bonds. The Mayor and City Auditor are hereby authorized and directed to execute and issue the Bonds, and the Bonds shall be issued in such series and shall be substantially in such forms, mature, bear interest, and be payable according to such terms, and shall otherwise contain such terms and provisions, as are set forth in the Indenture, which terms are for this purpose incorporated in this Resolution and made a part hereof; provided, however, that the aggregate principal amount of the Bonds, the interest rates thereon, the amount and dates of the principal payments required to be made with respect thereto, and the rights of optional and mandatory redemption with respect thereto shall all be set forth in the Indenture as executed and shall all be subject to the final approval of the officers of the Issuer who execute and deliver the Indenture in accordance with the provisions of this Resolution, such approval to be conclusively evidenced by the execution thereof; but provided, further, however, that in no event shall the aggregate principal amount of the Bonds be greater than \$17,800,000, nor shall the true interest cost of the Bonds be greater than 5.00% per annum.

3. Covenants. The Issuer hereby covenants and agrees with the holders from time to time of the Bonds issued pursuant hereto as follows:

a. Budget. The Issuer shall include in each annual budget of the Issuer submitted to the City Commission for approval an amount as a specific line item equal to debt service on the Bonds payable in the fiscal year or other period covered by such budget. This covenant to include the debt service in the proposed budget is not a covenant to appropriate such amounts and does not restrict or prohibit the City Commission from declining to appropriate such amounts.

b. Payment of Bonds. Upon an appropriation by the City Commission to pay debt service on the Bonds, such amount shall be used solely for the payment of debt service on the Bonds.

4. Authorization of Official Statement. The Director of Finance is hereby authorized and directed to prepare, or cause to be prepared, a preliminary and final official statement containing such information relating to the Issuer and the Project as is appropriate and in substantially the form submitted to this meeting. The Director of Finance is hereby authorized and directed to execute the final official statement on behalf of the Issuer.

5. Further Actions Authorized. The officers of the Issuer and the City Auditor are hereby authorized and directed to prepare and furnish to said Purchaser, and to the attorneys approving the legality of the Bonds, certified copies of such proceedings, ordinances, resolutions, and records and all such certificates and affidavits and other instruments as may be required to evidence the legality and marketability of said Bonds, and all certified copies, certificates, affidavits, and other instruments so furnished, including any heretofore furnished, shall constitute representations of the Issuer as to the correctness of all facts stated or recited therein.

6. Execution of Documents Generally. In the event of the absence or unavailability of the Mayor, the City Auditor, the Director of Finance, or other appropriate officer of the City, the Bonds and the other documents authorized for execution and delivery pursuant to this section may be executed and delivered by the individual or individuals authorized generally by the City to act on behalf of the Mayor, the City Auditor, the Director of Finance, or other officer of the City in such circumstances, including, without limitation, the Deputy Mayor and the Deputy City Auditor, as the case may be.

In case any officer signing documents authorized to be executed and delivered by this Resolution shall cease to be such officer before or after the delivery of any such document, such signature, nevertheless, shall be valid and remain sufficient for all purposes as if such officer had remained in office until such delivery or later applicable time.

7. Repealer. All prior resolutions and other acts or proceedings of this governing body which are in any way inconsistent with the terms of this Resolution are hereby amended to the extent necessary to give full force and effect to this Resolution.

8. Effective Date. This resolution shall be effective immediately upon adoption.

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Mayor

Attest:

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City Auditor