

FARGO CITY COMMISSION AGENDA
Monday, June 29, 2020 - 5:00 p.m.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, June 15, 2020).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Receive and file an Ordinance Relating to Child Care Centers.
- 2. Applications for Games of Chance:
 - a. Steve Weidner FM Junior Tour for a calendar raffle from 7/1/20 to 6/30/21.
 - b. EL Zagal 57 Directors Staff for a raffle on 10/24/20.
 - c. St. Anthony of Padua Fall Bazaar for bingo and a raffle on 9/27/20.
 - d. Fargo North High School for a calendar raffle from 8/14/20 to 5/25/21.
 - e. Fargo North High School for a calendar raffle from 11/24/20 to 2/13/21.
 - f. Villa Nazareth dba CHI Friendship for a raffle on 10/23/20.
- 3. Accept the results of the Cass County Canvassing Board for the June 9, 2020 Primary election and declare candidates elected.
- 4. Renewal of the Alcoholic Beverage and Live Entertainment Licenses until 6/30/21, contingent upon all essential requirements for renewal being met by 6/30/20.
- 5. Declaration of Easement (Utility), Declaration of Easement (Street and Utility) and Declaration of Easement (Levee) in association with Project No. FM-16-A.
- 6. Change Order No. 2 for an increase of \$54,000.00 for Project No. TM-19-B1.
- 7. Amended Engineer's Report for Project No. PR-20-B.
- 8. Bid awards for Project Nos. BP-00-57 and PR-20-B1.
- 9. Purchase of Service Agreement with Mapleton Public School District.
- 10. Notice of Grant Award with the ND Department of Health for Women's Way (CFDA #93.898).
- 11. Set July 13, 2020 at 5:15 p.m. as the date and time for a hearing on a dangerous building at 717 3rd Avenue North.
- 12. Letter of Support of the Bright Futures Learning Center project and ND Opportunity Fund involvement in the financing of the PACE local match.

13. ^{Page 2} Contract Amendment No. 3 with KLJ, Inc. in the amount of \$22,921.10 for the GTC Improvement Project.
14. Bills.
15. Change Order No. 2 for an increase of \$3,373.73, the interim duration of 13 days for 2nd Avenue closing and adjustment to the substantial completion date to 9/18/20 for Improvement District No. BR-20-C1.
16. Contract Amendment No. 5 with KLJ in the amount of \$22,440.00 for Improvement District No. PN-19-A0.
17. Create Improvement District No. AN-20-A.
18. Contracts and bonds for Improvement District Nos. BN-20-H1 and BN-20-K1.

REGULAR AGENDA:

19. Recommendation for a Resolution Moratorium to Issue No More than Five Permits for Outdoor Sound Amplifying Equipment Use.
20. COVID-19 Update:
a. Health Update.
21. Public Hearings - 5:15 pm:
a. Application for the Elliott Place 4 and 9 for a payment in lieu of tax exemption (PILOT) for a project located at 4462 30th Avenue South, which the applicant will use in the operation of providing affordable senior living rental property, serving low income households; continued from the 6/15/20 Regular Meeting.
b. Annexation of property located in the East Half of Section 14, Township 140 North, Range 49 West, of the Fifth Principal Meridian containing 1.83 acres, more or less (All that part of Auditor's Lot 2 of the East Half of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, on file and of record as document number 1490962, in the office of the County Recorder of Cass County, North Dakota, lying north of the South line of the Northeast Quarter of said Section 14).
1. 1st reading of annexation Ordinance.
c. Luxsun 25th Street North Addition (4764 25th Street North); approval recommended by the Planning Commission on 5/5/20:
1. Zoning change AG, Agricultural to LI, Limited Industrial.
2. 1st reading of rezoning Ordinance.
3. Plat of Luxsun 25th Street North Addition.
22. State Water Commission requests for Cost Reimbursement for FM Diversion Flood Project Costs:
a. Costs totaling \$228,188.72.
b. Costs totaling \$5,519,481.17.
23. Recommendations for appointments and reappointments to the following Boards and Commissions:
a. Board of Appeals.
b. Civil Service Commission.

Page 3 Special Assessment Commission.

- d. Library Board.
- e. Board of Adjustment.
- f. Native American Commission.
- g. Parking Commission.

- 24. Resolution adopting rules and regulations relative to the operation of the agenda and conduct of City Commission meetings.
- 25. Recommendation for Commission Liaison assignments.

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

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

(19)

MEMORANDUM

TO: Board of City Commissioners

FROM: Commissioner Piepkorn; Steven Sprague, City Auditor

SUBJECT: Moratorium Request

DATE: June 24, 2020

The Auditor's office received an email request from Jade Presents (attached) to temporarily allow additional outdoor noise permits be issued. City of Fargo municipal code Section 11-0209 allows for one outdoor noise permit every 30 days.

In the email request, Jade Presents indicates that due to the Covid-19 pandemic many events had to be canceled. They are hoping to provide outdoor entertainment options to the community. Because North Dakota is leading the way on re-opening and many of the international touring acts have canceled tours, Jade Presents will feature more local acts.

The limiting factor of one permit every 30 days would not provide the opportunities available so they are requesting up to five events every 30 days until the end of September.

At the direction of Commissioner Piepkorn, the City Attorney's office prepared the attached moratorium for outdoor sound.

Recommended Motion:

Accept the request from the local entertainment industry and establish a moratorium on outdoor sound amplification allowing no more than five permits every 30 days, such moratorium to end September 30, 2020 unless otherwise extended.

Commissioner _____ moved for the approval of the following RESOLUTION:

RESOLUTION

**[MORATORIUM TO ISSUE NO MORE THAN FIVE PERMITS FOR
OUTDOOR SOUND AMPLIFYING EQUIPMENT USE]**

WHEREAS, The Mayor has declared a state of emergency as a result of the COVID-19 pandemic, by order and proclamation of March 16, 2020; and

WHEREAS, In order to reduce community transmission of COVID-19, gatherings of persons in congregate settings have been limited to support social distancing, and as a result, many concerts and live events have been cancelled; and

WHEREAS, Local event venues are now shifting their focus to smaller events that can be conducted outdoors safely and responsibly with local and regional talent; and

WHEREAS, Section 11-0209 of the Fargo Municipal Code provides that no more than one (1) permit may be issued every 30 days for outdoor sound amplifying equipment use; and

WHEREAS, It is hereby found and declared that the health, safety and welfare of the City and its occupants will be benefited by providing more than one (1) permit for outdoor sound amplifying equipment use every 30 days and fosters appropriate social distancing for the curbing of the COVID-19 pandemic;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. **MORATORIUM ESTABLISHED.** A moratorium is hereby established to increase the number of permits for outdoor sound amplifying equipment use as set forth in Section 11-0209 of the Fargo Municipal Code from one (1) permit to no more than five (5) permits every 30 days.
2. **Mayor Authorized to Implement by Further Order or Orders.** The Mayor of the City is hereby authorized to promulgate and issue one or more executive orders as may be necessary to implement and clarify the terms of this moratorium, under the authority of F.M.C. §10-0318 and hereof, which executive orders may be further ratified or amended by the Board of City Commissioners as may be necessary or appropriate.
3. **Effect of Moratorium – Limitation of Enforcement.** This moratorium as to the enforcement of certain regulations or ordinances of the City shall be serve to instruct, order and limit the police officers and prosecutors of the City or any other law enforcement officers or agents to refrain from enforcing City Ordinances contrary to the terms hereof and to refrain from charging or citing persons, firms or other entities accordingly and, furthermore, said instruction, order and limitation in enforcement shall survive the termination of this moratorium, whether such termination occurs by lapse of time or by affirmative act.
4. **Effective Date and Term.** This moratorium shall take effect immediately upon the adoption hereof [the “Effective Date”] and shall extend until 11:59 p.m. on the 30th day of September, 2020,

unless it is otherwise terminated or extended by resolution or motion of the Board of City Commissioners of the City of Fargo.

Said motion was seconded by Commissioner _____ and, upon call of the roll Commissioners _____ voted “aye”, Commissioners _____ voted “nay” and with Commissioners _____ being absent the Resolution was declared as approved and enacted.

Resolution approved the ____ day of June, 2020.

Timothy J. Mahoney, M.D., Mayor

Attest:

Steven Sprague, City Auditor

Steve Sprague

From: Carly Bishoff <Carly@jadepresents.com>
Sent: Wednesday, May 27, 2020 9:25 AM
To: Steve Sprague
Cc: Jade Nielsen; Zachary Click
Subject: Request for Sound Permit Leniency: Fargo Brewing & Jade Presents

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hello Mr. Sprague,

On the heels of canceled and postponed events in May, June and July due to COVID-19, Fargo Brewing Company and Jade Presents are requesting leniency from the City on the frequency of issued sound permits in August, September, and October. We understand that you may not ultimately control these decisions or approvals, but we're hoping you can point us to the best contact.

Please let us know who we should be speaking with. I'll include some additional stats below.

Until last week we had sold nearly 2,000 tickets for events in May, June and July, but the majority of those orders will now need to be refunded due to Ben Harper and 311 canceling their tours in a one-two punch. North Dakota may be faster to reopen than other states which is great to see, but the international touring industry has been pummeled to a point where artists are rescheduling tours to spring of 2021 if not canceling them altogether.

Staying nimble on our feet with respect to the current situation, we are shifting our focus to smaller events that can be conducted safely and responsibly with local and regional talent. Our team is following the ND Smart Restart updates, and we're cautiously optimistic that we'll be able to hold events again soon, especially because we operate an outdoor venue with limited touch surfaces and we have an awesome team. However, the cost to offset the expense to produce these events cannot be covered if we are limited to only one permit per 30 days.

Since September of 2014, Jade Presents has presented or partnered in 25 concert events at Fargo Brewing, located at 610 N. University Dr., Fargo, ND 58102. Previous outdoor concerts have averaged approximately 650 patrons per event bringing a healthy influx of traffic to the downtown area. Indoor and outdoor concerts combined have brought almost 11,000 patrons to this location, and our collective hope was to continue exponential growth into 2020 until the pandemic hit.

A Chicago study estimated that \$1 spent at a small venue resulted in \$12 of economic activities for neighboring restaurants, hotels and retail shops - and we believe that level of financial contribution is no exception in a bustling market like Fargo.

Ticket buyers for these events report addresses across MN, ND, and SD. Sales are also recorded for addresses as far west as Vancouver, WA; as far east as Glen Head, NY; as far north as Manitoba, Canada; and as far south as Bluffton, SC, and Savannah, GA. While it's unlikely to think that our FBC events have drawn patrons from such great distances, it's clear that concerts at FBC are a valued enhancement to the arts and entertainment community in Fargo-Moorhead.

An article published in Newsweek on March 28, 2018 reports that a recent scientific study concluded "attending a concert for just 20 minutes 'increased participants feelings of wellbeing by 21% - with key markers across the happiness spectrum showing increases, including feelings of self-worth (+25%) and closeness to others (+25%) whilst mental stimulation climbed by an impressive 75%". As a personal partner in a neighboring restaurant that is currently under

development, it is my goal to engender positive associations with this neighborhood to help spur revitalization and growth. Providing more concerts is one such way to do so.

Our desire to promote growth through concerts and live events in this neighborhood does not supersede our care for the local residents. We're aware that there will, understandably, be concerns expressed by residents and/or city council members about the noise that an outdoor concert brings. We believe that this concern, while valid, is a minor consideration to our request.

Furthermore, our research indicates that a live rock concert event is comparable in decibel to a freight train. The Industrial Noise Control website indicates that freight trains create roughly 83 decibels at a distance of 100 feet. Rock concerts create between 108 and 114 decibels. Train horns can range from 100 to 175 decibels. As you know, BNSF tracks are located on the south side of the FBC property with several crossings located east and west of the FBC location that require the train horn to be sounded per Federal mandate.

According to information presented in a 2015 rail safety conference by Lt. Chris Carey of the Moorhead Police, Chad Stangeland the Emergency Manager, and Jonathan Atkins the Moorhead City Traffic Engineer, BNSF runs 50 trains per day through Fargo-Moorhead. Fortyfive percent (45%) of those trains run between the hours of 10 PM and 7 AM. Currently, amplified noise permits require amplified sound cessation no later than 10 PM. In essence, BNSF is running a rock show around the clock with every train that rolls by and sounds its horn at each intersection.

It is our hope that you will support us in encouraging growth and vitality in the 7th Avenue and University Drive North neighborhood by approving our request for additional amplified noise permits during the temperate months of the year. We feel strongly that this reasonable request will be a cornerstone to new interest in sustaining, developing, and revitalizing this area of the University corridor.

Thank you for your consideration.

Sincerely,

Carly Bishoff
c/o Jade Presents, Fargo Brewing Company

Carly Bishoff
Operations Director
Jade Presents
302 N University Dr | Fargo, ND | 58102
O: 701.214.5330
♪ Live & Local ♪

21a

June 23, 2020

Board of City Commissioners
City Hall
Fargo, ND 58102

RE: Payment in Lieu of Tax (PILOT) for Elliott Place 4 & Elliott Place 9

Dear Commissioners:

Attached are applications made by Fargo Housing & Redevelopment Authority, on behalf of Elliott Place 4 & Elliot Place 9, for a payment in lieu of tax (PILOT) according to N.D.C.C. Chapter 40-57.1. Combined, the PILOTs requested are for a proposed building with 84 ADA compliant residential units that will serve low income households. The project is being financed primarily with Low Income Housing Tax Credits (LIHTC).

Notices to competitors have been published. The Tax Exempt Review Committee has met to consider this application. No potential competitors appeared at the Tax Exempt Review meeting. This project meets our current policy. The applicant will pay the full land tax estimated at approximately \$14,000.

The recommendation of the Tax Exempt Review Committee is to approve a 17 year payment in lieu of tax (PILOT) of \$0 for Elliott Place 4 & Elliott Place 9.

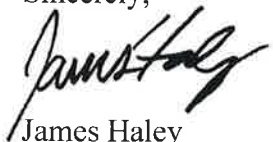
Included is a memorandum from PFM Financial Advisors LLC which contains a financial analysis of the feasibility of the project with four scenario assumptions with and without the incentive.

SUGGESTED MOTIONS:

Approval of a 17 year, payment in lieu of tax of \$0 for Elliott Place 4 for a low income housing project at 4462 30th Ave S.

Approval of a 17 year, payment in lieu of tax of \$0 for Elliott Place 9 for a low income housing project at 4462 30th Ave S.

Sincerely,



James Haley
Deputy City Assessor

Application For Property Tax Incentives For New or Expanding Businesses

N.D.C.C. Chapter 40-57.1

Project Operator's Application To Fargo

City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1. Name of project operator of new or expanding business Elliott Place 4
2. Address of project 4462 30th Ave South

City Fargo
County Cass
3. Mailing address of project operator 325 Broadway

City Fargo
State ND Zip 58102
4. Type of ownership of project

☒ Partnership
☐ Corporation

☐ Subchapter S corporation
☐ Cooperative

☐ Individual proprietorship
☐ Limited liability company
5. Federal Identification No. or Social Security No. _____
6. North Dakota Sales and Use Tax Permit No. _____
7. If a corporation, specify the state and date of incorporation _____
8. Name and title of individual to contact G. Matthew Pike
 Mailing address 325 Broadway
 City, State, Zip Fargo, ND 58102 Phone No. 701-478-2560

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.

☐ **Property Tax Exemption**

_____ Number of years
_____ Percent of exemption

☒ **Payments In Lieu of Taxes**

_____ 2021 Beginning year
_____ 2038 Ending year

_____ Amount of annual payments (attach schedule if payments will vary)
10. Which of the following would better describe the project for which this application is being made:

☒ New business project
 ☐ Expansion of a existing business project

Page 11
Description of Project Property

11. Legal description of project real property
Calico Prairie Addition Lot 3, Block 2

12. Will the project property be owned or leased by the project operator? ☒ Owned ☐ Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?

☐ Yes ☐ No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? ☒ New construction ☐ Existing facility

If existing facility, when was it constructed? _____

If new construction, complete the following:

- a. Estimated date of commencement of construction of the project covered by this application 08/2020

- b. Description of project to be constructed including size, type and quality of construction

Senior living apartment building consisting of 52 ADA compliant units that will serve low income households. The project is being built primarily by Low Income Tax Credit Funds.

- c. Projected number of construction employees during the project construction 150-200

14. Approximate date of commencement of this project's operations 09/2021

15. Estimated market value of the property used for this project: **\$627,047**

a. Land..... \$ 438,871

b. Existing buildings and structures for which an exemption is claimed..... \$ _____

c. Newly constructed buildings and structures when completed \$ 4,160,000

d. Total \$ 4,598,871

e. Machinery and equipment \$ _____

Land Tax \$8,632

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:

a. Land (not eligible) 

b. Eligible existing buildings and structures..... \$ _____

c. Newly constructed buildings and structures when completed..... **\$208,000**
\$ 384,980

d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... **\$208,000**
\$ 187,200

e. Enter the consolidated mill rate for the appropriate taxing district **275.32**
288.60

f. Annual amount of the tax exemption (Line d multiplied by line e) **\$57,267**
\$ 54,025.00

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Description of Project Business

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in: ☐ Ag processing ☐ Manufacturing ☐ Retailing
☐ Wholesaling ☐ Warehousing ☒ Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

Affordable senior living rental property serving low income households.

19. Indicate the type of machinery and equipment that will be installed
 Elevator

20. For the project only, indicate the projected annual revenue, expense, and net income (before tax) from either the new business or the expansion itself for each year of the requested exemption.

Year (12 mo. periods)	New/Expansion Project only Year 1	New/Expansion Project only Year 2	New/Expansion Project only Year 3	New/Expansion Project only Year 4	New/Expansion Project only Year 5
Annual revenue	479,917	489,515	499,305	509,291	519,476
Annual expense	454,329	467,958	481,996	496,455	511,348
Net income	25,588	21,557	17,309	12,836	8,128

21. Projected number and salary of persons to be employed by the project for the first five years:

Current positions & positions added the initial year of project

# Current Positions	New Positions Under \$13.00	New Positions \$13.01-\$15.00	New Positions \$15.01-\$20.00	New Positions \$20.01-\$28.00	New Positions \$28.01-\$35.00	New Positions Over \$35.00
4			2	2		

Year	(Before project)	Year 1	Year 2	Year 3	Year 4	Year 5
No. of Employees	(1) _____	2	2	2	2	2
	(2) _____	2	2	2	2	2
Estimated payroll	(1) _____	15,395	81,844	84,299	86,827	92,035
	(2) _____	9,549	28,649	29,508	30,393	31,304

(1) - full time
 (2) - part time

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Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? ☒ Yes ☐ No
23. Has the project operator conducted this business at this or any other location either in or outside of the state?
☒ Yes ☐ No
24. Has the project operator or any officers of the project received any prior property tax incentives? ☒ Yes ☐ No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Fargo Housing & Redevelopment Authority operates certain affordable housing properties that are tax exempt, however FHRA continues to make PILOT payments for the properties. The most recent PILOT granted to FHRA was for Fargo New Horizons, a 97-unit affordable housing building, serving seniors, veterans, and disabled persons.

Business Competition

25. Is any similar business being conducted by other operators in the municipality? ☒ Yes ☐ No

If YES, give name and location of competing business or businesses

Beyond Shelter, Inc, Kilbourne, EPIC, Craig Properties and Enclave

Percentage of Gross Revenue Received Where Underlying Business Has ANY Local Competition %

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it? ☐ Yes ☒ No
27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property? ☐ Yes ☒ No

If the answer to 26 or 27 is Yes, list and explain

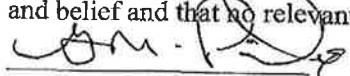
Use Only When Reapplying

28. The project operator is reapplying for property tax incentives for the following reason(s):
- ☐ To present additional facts or circumstances which were not presented at the time of the original application
 - ☐ To request continuation of the present property tax incentives because the project has:
 - ☐ moved to a new location
 - ☐ had a change in project operation or additional capital investment of more than twenty percent
 - ☐ had a change in project operators
 - ☐ To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, G. Matthew Pike, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.


Signature

Executive Director & CEO

Title

5.15.2020

Date

15 Year Cash Flow Projection - Elliott Place 4%

Annual Increases:	2%		3%		4%		5%		6%		7%		8%		9%		10%		11%		12%		13%		14%		15%		16%		17%	
	2%		3%		4%		5%		6%		7%		8%		9%		10%		11%		12%		13%		14%		15%		16%		17%	
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CITY OF FARGO ASSESSMENT DEPARTMENT

5/22/2020

Elliott Place 4 UHTC	
Parcel Number	014300-00550-000
Address	4462 30 Ave S
Date Application Received	5/6/2020
1st Publication Date	5/19/2020
2nd Publication Date	5/26/2020
TRC Meeting Date	5/26/2020
Commission Hearing Date	6/15/2020
Notice Delivery to School County	5/20/2020
School County 30-Day Response	6/19/2020
Exemption Type	P.L.O.T
Estimated Improvement Value	\$4,160,000
Land Value	\$567,047
Anticipated Tax Growth	2.0%
Current Mill Levy @ Approval	275.32
Number of Years Granted	17
Discount Rate (for Present Value)	4.50%
Total Gross Estimated Benefit	\$390,334
Present Value of Benefit	\$512,905

% Ex	P.L.O.T Print	Full Bldg Tax	Benefit	PV of Benefit	P.L.O.T & Tax
1 100%	\$0	\$57,267	\$57,267	\$57,267	\$57,267
2 100%	\$0	\$58,439	\$58,439	\$58,439	\$58,439
3 100%	\$0	\$59,580	\$59,580	\$59,580	\$59,580
4 100%	\$0	\$60,722	\$60,722	\$60,722	\$60,722
5 100%	\$0	\$61,987	\$61,987	\$61,987	\$61,987
6 100%	\$0	\$63,227	\$63,227	\$63,227	\$63,227
7 100%	\$0	\$64,491	\$64,491	\$64,491	\$64,491
8 100%	\$0	\$65,781	\$65,781	\$65,781	\$65,781
9 100%	\$0	\$67,097	\$67,097	\$67,097	\$67,097
10 100%	\$0	\$68,439	\$68,439	\$68,439	\$68,439
11 100%	\$0	\$69,808	\$69,808	\$69,808	\$69,808
12 100%	\$0	\$71,204	\$71,204	\$71,204	\$71,204
13 100%	\$0	\$72,628	\$72,628	\$72,628	\$72,628
14 100%	\$0	\$74,080	\$74,080	\$74,080	\$74,080
15 100%	\$0	\$75,562	\$75,562	\$75,562	\$75,562
16 100%	\$0	\$77,073	\$77,073	\$77,073	\$77,073
17 100%	\$0	\$78,615	\$78,615	\$78,615	\$78,615
TOTALS	\$0	\$1,146,022	\$1,146,022	\$773,000	\$146,743
Annual Land Tax		\$8,632	Land Value Calculation 104.425% @ \$5.00		

If County opted out of this incentive, P.L.O.T Print - County Add Share will be the P.L.O.T Payment in addition to Land Tax						
County Share	County Add Share	County Share Impr	Full Impr Net Tax	P.L.O.T & Tax	% Ex-Benefit	PV of Benefit
\$0	\$10,192	\$10,192	\$57,267	\$18,624	82%	\$38,443
\$0	\$10,192	\$10,192	\$57,267	\$18,624	83%	\$38,443
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\$0	\$10,192	\$10,192	\$57,267	\$18,624	83%	\$38,443
\$0	\$10,192					

CALCULATION OF ADDITIONAL TAX DUE TO COUNTY							
Land Value	Improvement Value	Year	Mill Levy	CO Levy	%	Full Impr Net Tax	Co Share Impr Tax
\$627,047	\$4,160,000	2022	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2023	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2024	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2025	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2026	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2027	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2028	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2029	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2030	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2031	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2032	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2033	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2034	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2035	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2036	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2037	275.32	48.00	17.8%	\$57,267	\$10,192
\$627,047	\$4,160,000	2038	275.32	48.00	17.8%	\$57,267	\$10,192

Application For Property Tax Incentives For New or Expanding Businesses

N.D.C.C. Chapter 40-57.1

Project Operator's Application To Fargo

City or County

RECEIVED
5/15/2020

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1.	Name of project operator of new or expanding business <u>Elliott Place 9</u>
2.	Address of project <u>4462 30th Ave South</u>
	City <u>Fargo</u> County <u>Cass</u>
3.	Mailing address of project operator <u>325 Broadway</u>
	City <u>Fargo</u> State <u>ND</u> Zip <u>58102</u>
4.	Type of ownership of project
	<input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Subchapter S corporation <input type="checkbox"/> Individual proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Cooperative <input type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No. _____
6.	North Dakota Sales and Use Tax Permit No. _____
7.	If a corporation, specify the state and date of incorporation _____
8.	Name and title of individual to contact <u>G. Matthew Pike</u>
	Mailing address <u>325 Broadway</u>
	City, State, Zip <u>Fargo, ND 58102</u> Phone No. <u>701-478-2560</u>

Project Operator's Application For Tax Incentives

9.	Indicate the tax incentives applied for and terms. Be specific.
	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Property Tax Exemption _____ Number of years _____ Percent of exemption </div> <div style="width: 48%;"> <input checked="" type="checkbox"/> Payments In Lieu of Taxes <u>2021</u> Beginning year <u>2038</u> Ending year _____ Amount of annual payments (attach schedule if payments will vary) </div> </div>
10.	Which of the following would better describe the project for which this application is being made:
	<input checked="" type="checkbox"/> New business project <input type="checkbox"/> Expansion of a existing business project

Page 17
Description of Project Property

11. Legal description of project real property
Calico Prairie Addition Lot 3, Block 2

12. Will the project property be owned or leased by the project operator? ☒ Owned ☐ Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?

☐ Yes ☐ No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? ☒ New construction ☐ Existing facility

If existing facility, when was it constructed? _____

If new construction, complete the following:

- a. Estimated date of commencement of construction of the project covered by this application 08/2020

- b. Description of project to be constructed including size, type and quality of construction

Senior living apartment building consisting of 32 ADA compliant units that will serve low income households. The project is being built primarily by Low Income Tax Credit Funds.

- c. Projected number of construction employees during the project construction 150-200

14. Approximate date of commencement of this project's operations 09/2021

15. Estimated market value of the property used for this project: **\$385,953**

a. Land.....\$ 270,129

b. Existing buildings and structures for which an exemption is claimed.....\$ _____

c. Newly constructed buildings and structures when completed\$ 2,560,000

d. Total.....\$ 2,830,129

e. Machinery and equipment.....\$ _____

Land Tax \$5,313

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:

a. Land (not eligible) 

b. Eligible existing buildings and structures.....\$ _____

c. Newly constructed buildings and structures when completed.....\$ **\$128,000**
115,200

d. Total taxable valuation of property eligible for exemption (Add lines b and c).....\$ **\$128,000**
115,200

e. Enter the consolidated mill rate for the appropriate taxing district **275.32**
288.60

f. Annual amount of the tax exemption (Line d multiplied by line e)\$ **\$35,241**
33,246

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in: ☐ Ag processing ☐ Manufacturing ☐ Retailing
☐ Wholesaling ☐ Warehousing ☒ Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

Affordable senior living rental property serving low income households.

19. Indicate the type of machinery and equipment that will be installed
Elevator

20. For the project only, indicate the projected annual revenue, expense, and net income (before tax) from either the new business or the expansion itself for each year of the requested exemption.

	New/Expansion Project only Year 1	New/Expansion Project only Year 2	New/Expansion Project only Year 3	New/Expansion Project only Year 4	New/Expansion Project only Year 5
Year (12 mo. periods)					
Annual revenue	<u>301,264</u>	<u>307,289</u>	<u>313,434</u>	<u>319,702</u>	<u>326,096</u>
Annual expense	<u>283,657</u>	<u>292,166</u>	<u>300,931</u>	<u>309,958</u>	<u>319,256</u>
Net income	<u>17,607</u>	<u>15,123</u>	<u>12,503</u>	<u>9,744</u>	<u>6,840</u>

21. Projected number and salary of persons to be employed by the project for the first five years:

Current positions & positions added the initial year of project

# Current Positions	New Positions Under \$13.00	New Positions \$13.01-\$15.00	New Positions \$15.01-\$20.00	New Positions \$20.01-\$28.00	New Positions \$28.01-\$35.00	New Positions Over \$35.00
4			2	2		

Year	(Before project)	Year 1	Year 2	Year 3	Year 4	Year 5
No. of Employees	(1) <u> </u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
	(2) <u> </u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
Estimated payroll	(1) <u> </u>	<u>16,788</u>	<u>50,365</u>	<u>51,875</u>	<u>53,431</u>	<u>55,033</u>
	(2) <u> </u>	<u>5,876</u>	<u>17,630</u>	<u>18,158</u>	<u>18,702</u>	<u>19,263</u>

(1) - full time
(2) - part time

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? ☒ Yes ☐ No
23. Has the project operator conducted this business at this or any other location either in or outside of the state?
☒ Yes ☐ No
24. Has the project operator or any officers of the project received any prior property tax incentives? ☒ Yes ☐ No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Fargo Housing and Redevelopment Authority operates certain affordable housing properties that are tax exempt, however FHRA continues to make PILOT payments for the properties. The most recent PILOT granted to FHRA was for Fargo New Horizons, a 97-unit affordable housing building, serving seniors, veterans and disabled persons.

Business Competition

25. Is any similar business being conducted by other operators in the municipality? ☒ Yes ☐ No

If YES, give name and location of competing business or businesses

Beyond Shelter, Inc, Kilbourne, EPIC, Craig Properties and Enclave

Percentage of Gross Revenue Received Where Underlying Business Has ANY Local Competition %

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it? ☐ Yes ☒ No
27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property? ☐ Yes ☒ No

If the answer to 26 or 27 is Yes, list and explain

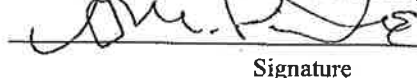
Use Only When Reapplying

28. The project operator is reapplying for property tax incentives for the following reason(s):
- ☐ To present additional facts or circumstances which were not presented at the time of the original application
 - ☐ To request continuation of the present property tax incentives because the project has:
 - ☐ moved to a new location
 - ☐ had a change in project operation or additional capital investment of more than twenty percent
 - ☐ had a change in project operators
 - ☐ To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, G. Matthew Pike, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.


Signature

Executive Director & CEO
Title

5.15.2020
Date

15 Year Cash Flow Projection - Effort Place 3%

Annual Increase:	2%	Rental Increase	Expense Increase	Replacement Reserve Increase													
	3%																
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17
Potential Residential Gross Income	304,644	310,737	316,542	323,281	329,767	336,352	343,075	349,941	356,940	364,078	371,361	378,788	386,364	394,091	401,973	410,012	418,212
Less: Vacancy and Collection Loss	(15,232)	(15,517)	(15,848)	(16,165)	(16,468)	(16,818)	(17,154)	(17,497)	(17,847)	(18,204)	(18,568)	(18,939)	(19,318)	(19,705)	(20,099)	(20,501)	(20,911)
Plus: Other Income	3,766	5,875	5,983	6,113	6,235	6,360	6,487	6,617	6,749	6,884	7,022	7,162	7,305	7,451	7,600	7,752	7,907
Less: Vacancy and Collection Loss	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Effective Gross Income	289,172	301,075	307,097	313,236	319,504	325,894	332,412	339,051	345,842	352,759	359,815	367,011	374,351	381,837	389,474	397,263	405,208
Less: Annual Operating Expenses	(46,974)	(48,383)	(49,834)	(51,329)	(52,869)	(54,455)	(56,099)	(57,772)	(59,505)	(61,290)	(63,129)	(65,023)	(66,973)	(68,983)	(71,052)	(73,184)	(75,379)
Admin Expenses	(50,400)	(51,912)	(53,469)	(55,073)	(56,726)	(58,427)	(60,180)	(61,986)	(63,845)	(65,761)	(67,733)	(69,765)	(71,859)	(74,014)	(76,235)	(78,522)	(80,877)
Maintenance	(24,483)	(25,321)	(26,163)	(27,008)	(27,863)	(28,728)	(29,598)	(30,473)	(31,354)	(32,241)	(33,134)	(34,038)	(34,949)	(35,869)	(36,797)	(37,734)	(38,680)
Salaries and Benefits	(26,800)	(27,604)	(28,432)	(29,285)	(30,164)	(31,068)	(32,001)	(32,961)	(33,948)	(34,968)	(35,917)	(36,917)	(37,907)	(38,891)	(39,857)	(40,857)	(41,764)
Utilities	(12,202)	(12,568)	(12,945)	(13,333)	(13,733)	(14,145)	(14,570)	(15,007)	(15,457)	(15,921)	(16,399)	(16,890)	(17,397)	(17,919)	(18,457)	(19,010)	(19,581)
Insurance	(3,472)	(3,576)	(3,684)	(3,794)	(3,908)	(4,025)	(4,146)	(4,271)	(4,399)	(4,531)	(4,667)	(4,807)	(4,951)	(5,099)	(5,252)	(5,410)	(5,572)
Special Assessments	(3,837)	(3,952)	(4,071)	(4,193)	(4,319)	(4,448)	(4,582)	(4,719)	(4,861)	(4,997)	(5,137)	(5,281)	(5,429)	(5,581)	(5,737)	(5,897)	(6,158)
Payment in Lieu of Taxes	(167,552)	(172,575)	(177,756)	(183,089)	(188,582)	(194,239)	(200,068)	(206,088)	(212,250)	(218,616)	(225,176)	(231,932)	(238,889)	(246,056)	(253,438)	(261,041)	(268,872)
Total Annual Operating Expenses	(167,552)	(172,575)	(177,756)	(183,089)	(188,582)	(194,239)	(200,068)	(206,088)	(212,250)	(218,616)	(225,176)	(231,932)	(238,889)	(246,056)	(253,438)	(261,041)	(268,872)
Less: Reserve Payments 5%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Less: Replacement Reserves	(12,600)	(13,184)	(13,580)	(13,987)	(14,407)	(14,839)	(15,284)	(15,743)	(16,215)	(16,701)	(17,202)	(17,718)	(18,250)	(18,798)	(19,362)	(19,943)	(20,541)
Net Operating Income	114,820	115,312	115,761	116,163	116,515	116,816	117,062	117,250	117,377	117,440	117,437	117,261	117,212	116,983	116,674	116,279	115,795
Less: Annual Debt Service 1st Loan	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)
HTF/HF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Developer Fee	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Debt Service	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)	(95,029)
Annual Cash Flow	19,791	20,283	20,732	21,134	21,487	21,787	22,033	22,221	22,348	22,411	22,408	22,333	22,183	21,954	21,645	21,250	20,766

Senior Unit Mix											
Number	Bedrooms	Baths	Rents	Incomes	Gross Rents	Utility Allowance	Net Rents	Voucher Pmt	Rents	Total Rents	Avg rents
19	1	1	30%	30%	\$ 473.00	\$ (78.00)	\$ 395.00	\$ 381.00	\$ 776.00	\$ 14,744.00	
0	2	2	30%	30%	\$ 567.00	\$ (90.00)	\$ 477.00	\$ 484.00	\$ 961.00	\$ -	
0	3	2	30%	30%	\$ 656.00	\$ (98.00)	\$ 558.00	\$ -	\$ 558.00	\$ -	
2	1	1	40%	40%	\$ 631.00	\$ (78.00)	\$ 553.00	\$ 223.00	\$ 776.00	\$ 1,552.00	
0	2	2	40%	40%	\$ 757.00	\$ (90.00)	\$ 667.00	\$ 294.00	\$ 961.00	\$ -	
0	3	2	40%	40%	\$ 875.00	\$ (98.00)	\$ 777.00	\$ -	\$ 777.00	\$ -	
10	1	1	50%	50%	\$ 788.00	\$ (78.00)	\$ 710.00	\$ 66.00	\$ 776.00	\$ 7,760.00	
1	2	2	50%	50%	\$ 946.00	\$ (90.00)	\$ 856.00	\$ 105.00	\$ 961.00	\$ 961.00	
0	3	2	50%	50%	\$ 1,093.00	\$ (98.00)	\$ 995.00	\$ -	\$ 995.00	\$ -	
13	1	1	60%	60%	\$ 946.00	\$ (78.00)	\$ 868.00	\$ (92.00)	\$ 776.00	\$ 10,088.00	
1	2	2	60%	60%	\$ 1,135.00	\$ (90.00)	\$ 1,045.00	\$ (84.00)	\$ 961.00	\$ 961.00	
0	3	2	60%	60%	\$ 1,312.00	\$ (98.00)	\$ 1,214.00	\$ -	\$ 1,214.00	\$ -	
0	1	1	70%	70%	\$ 1,214.00	\$ (78.00)	\$ 1,136.00	\$ (360.00)	\$ 776.00	\$ -	
0	2	2	70%	70%	\$ 1,457.00	\$ (90.00)	\$ 1,367.00	\$ (406.00)	\$ 961.00	\$ -	
0	3	2	70%	70%	\$ 1,684.00	\$ (98.00)	\$ 1,586.00	\$ -	\$ 1,586.00	\$ -	
3	1	1	80%	80%	\$ 1,514.00	\$ (78.00)	\$ 1,436.00	\$ (660.00)	\$ 776.00	\$ 2,328.00	
3	2	2	80%	80%	\$ 1,816.00	\$ (90.00)	\$ 1,726.00	\$ (765.00)	\$ 961.00	\$ 2,883.00	
0	3	2	80%	80%	\$ 2,100.00	\$ (98.00)	\$ 2,002.00	\$ -	\$ 2,002.00	\$ -	
52							\$ -	\$ -	\$ -	\$ 41,277.00	Totals

Manager Units

9% Senior Unit Mix												
Number	Bedrooms	Baths	Rents	Incomes	Gross Rents	Utility Allowance	Net Rents	Voucher Pmt	Rents	Total Rents	Avg rents	
7	1	1	30%	30%	\$ 473.00	\$ (78.00)	\$ 395.00	\$ 381.00	\$ 776.00	\$ 5,432.00		
0	2	2	30%	30%	\$ 567.00	\$ (90.00)	\$ 477.00	\$ 484.00	\$ 961.00	\$ -		
0	3	2	30%	30%	\$ 656.00	\$ (98.00)	\$ 558.00	\$ -	\$ 558.00	\$ -		
7	1	1	40%	40%	\$ 631.00	\$ (78.00)	\$ 553.00	\$ 223.00	\$ 776.00	\$ 5,432.00		
0	2	2	40%	40%	\$ 757.00	\$ (90.00)	\$ 667.00	\$ 294.00	\$ 961.00	\$ -		
0	3	2	40%	40%	\$ 875.00	\$ (98.00)	\$ 777.00	\$ -	\$ 777.00	\$ -		
6	1	1	50%	50%	\$ 788.00	\$ (78.00)	\$ 710.00	\$ 66.00	\$ 776.00	\$ 4,656.00		
1	2	2	50%	50%	\$ 946.00	\$ (90.00)	\$ 856.00	\$ 105.00	\$ 961.00	\$ 961.00		
0	3	2	50%	50%	\$ 1,093.00	\$ (98.00)	\$ 995.00	\$ -	\$ 995.00	\$ -		
8	1	1	60%	60%	\$ 946.00	\$ (78.00)	\$ 868.00	\$ (92.00)	\$ 776.00	\$ 6,208.00		
1	2	2	60%	60%	\$ 1,135.00	\$ (90.00)	\$ 1,045.00	\$ (84.00)	\$ 961.00	\$ 961.00		
0	3	2	60%	60%	\$ 1,312.00	\$ (98.00)	\$ 1,214.00	\$ -	\$ 1,214.00	\$ -		
0	1	1	70%	70%	\$ 1,214.00	\$ (78.00)	\$ 1,136.00	\$ (360.00)	\$ 776.00	\$ -		
0	2	2	70%	70%	\$ 1,457.00	\$ (90.00)	\$ 1,367.00	\$ (406.00)	\$ 961.00	\$ -		
0	3	2	70%	70%	\$ 1,684.00	\$ (98.00)	\$ 1,586.00	\$ -	\$ 1,586.00	\$ -		
1	1	1	80%	80%	\$ 1,514.00	\$ (78.00)	\$ 1,436.00	\$ (660.00)	\$ 776.00	\$ 776.00		
1	2	2	80%	80%	\$ 1,816.00	\$ (90.00)	\$ 1,726.00	\$ (765.00)	\$ 961.00	\$ 961.00		
0	3	2	80%	80%	\$ 2,100.00	\$ (98.00)	\$ 2,002.00	\$ -	\$ 2,002.00	\$ -		
32							\$ -	\$ -	\$ -	\$ -		
											\$ 25,387.00	Totals

Manager Units

Senior Family Operating Budget

Rents/ Expenses		9%	4%
Gross Rents		\$ 304,644.00	\$ 495,324.00
Budgeted vacancy	3%	\$ (9,139.32)	\$ (24,766.20)
Total Rents		\$ 295,504.68	\$ 470,557.80
Laundry		\$ 3,840.00	\$ 6,240.00
Other Vending Income		\$ -	\$ -
HQA Fees		\$ -	\$ -
Late Charge		\$ 1,920.00	\$ 3,120.00
Other Income		\$ 5,760.00	\$ 9,360.00
Total revenues		\$ 301,264.68	\$ 479,917.80
Place Holder		\$ -	\$ -
Management Fee		\$ 24,101.17	\$ 38,393.42
Audit		\$ 4,470.00	\$ 4,470.00
Accounting		\$ 5,000.00	\$ 5,000.00
Compliance LIHTC & HTF		\$ 3,690.00	\$ 3,690.00
Legal		\$ 1,900.00	\$ 1,900.00
Advertising		\$ 1,500.00	\$ 1,500.00
Office Supplies		\$ 4,200.00	\$ 4,200.00
Telephone		\$ 2,600.00	\$ 5,600.00
Maintenance Services		\$ 22,500.00	\$ 22,500.00
Maint/cleaning Supplies		\$ 7,200.00	\$ 9,200.00
Heating & Air Cond Repairs		\$ 1,500.00	\$ 5,500.00
Heat A/c & Oth Maint Contracts		\$ 6,200.00	\$ 6,200.00
Exterminating		\$ 7,500.00	\$ 7,500.00
Snow Removal		\$ 5,500.00	\$ 8,500.00
On-Site Manager		\$ 23,867.00	\$ 54,500.00
Grounds Maintenance		\$ 2,000.00	\$ 8,000.00
Natural Gas		\$ 2,500.00	\$ 22,782.00
Electricity - Common Areas		\$ 8,000.00	\$ 16,202.00
Water		\$ 2,500.00	\$ 12,500.00
Sewer		\$ 8,000.00	\$ 10,000.00
Garbage And Rubbish		\$ 3,800.00	\$ 3,200.00
Elevator		\$ -	\$ -
Tax - Real Estate		\$8,100.00	\$11,084.00
Insurance - Property And Liab		\$12,201.98	\$11,135.50
Place Holder		\$ -	\$ -
Increase for Investor Requirements		\$ -	\$ -
Total operating expenses		\$ 168,830.15	\$ 273,556.92
Per Unit Per Annum		\$ 5,275.94	\$ 5,260.71

Net Income		9%
Net Income Before Debt Service & Reserve Payments		\$ 132,434.53
Less Reserve Payments (HOME OWNERSHIP): 5%		\$ -
(Assuming 50% participation rate)		
Tax & Ins. reserve - Real Estate Tax		\$ -
Replacement reserve		\$ 11,200.00
Total Reserve Payments		\$ 11,200.00
Funds available for debt service		\$ 121,234.53
Less Debt Service Payments:		
First Mortgage		\$95,028.89
HTF/HIF Mortgage		\$0.00
Deferred Developer Fee		\$87.27
Total debt service		\$95,116.16
Net Cash Flow		\$ 26,118.37
Income to debt service ratio - 1st		1.2758
Income to debt service ratio - HTF		1.2758
Income to debt service ratio - Deferred		1.2746
Income to debt service ratio - Total		1.2746

Loans	
First Mortgage	
Annual Rate	4.300%
Principal	\$1,718,000.00
Annual Payment Amount	(\$95,028.89)
Term in Months	420
Housing Trust Fund	
Annual Rate	0.000%
Principal	\$172,836.00
Annual Payment Amount	\$0.00
Term in Months	360
Housing Incentive Fund	
Annual Rate	0.000%
Principal	\$0.00
Annual Payment Amount	\$0.00
Term in Months	360
City HOME	
Annual Rate	0.000%
Principal	\$0.00
Annual Payment Amount	\$0.00
Term in Months	360
CDBG	
Annual Rate	0.000%
Principal	\$0.00
Annual Payment Amount	\$0.00
Term in Months	360
Deferred Developer Fee	
Annual Rate	0.000%
Principal	\$1,047.27
Annual Payment Amount	(\$87.27)
Term in Months	144

Expenses		NDHFA
Per Unit Check Figures		
Expenses per Unit Less Reserves and Debt Service	\$	168,830.15
Per Unit Annually	\$	5,275.94
Per Unit Monthly		\$439.66

Reserve Calculations	
Operating Reserves - 6 months	

PROJECT BUDGET

Uses	Total Budget	Total Basis	9% Budget	4% Budget	9% Basis
Direct Construction Costs					
Land	\$ 775,000.00	\$ -	\$ 295,238.10	\$ 479,761.90	
Site Work	\$ -	\$ -	\$ -	\$ -	\$ -
Sewer and Water tap fees	\$ 106,484.00	\$ 106,484.00	\$ 44,723.28	\$ 61,760.72	\$ 44,723.28
Elevator	\$ 130,000.00	\$ 130,000.00	\$ 54,600.00	\$ 75,400.00	\$ 54,600.00
Permits and fees	\$ 90,318.00	\$ 90,318.00	\$ 37,933.56	\$ 52,384.44	\$ 37,933.56
Architect Design	\$ 660,000.00	\$ 660,000.00	\$ 282,400.00	\$ 377,600.00	\$ 282,400.00
Architect Supervision	\$ 165,000.00	\$ 165,000.00	\$ 70,600.00	\$ 94,400.00	\$ 70,600.00
Construction costs	\$ 13,275,174.00	\$ 13,275,174.00	\$ 5,575,573.08	\$ 7,699,600.92	\$ 5,575,573.08
Construction contingency	\$ 995,638.05	\$ 995,638.05	\$ 418,167.98	\$ 577,470.07	\$ 418,167.98
Construction testing	\$ 36,000.00	\$ 36,000.00	\$ 15,120.00	\$ 20,880.00	\$ 15,120.00
Builders Risk	\$ 106,201.00	\$ 106,201.00	\$ 44,604.42	\$ 61,596.58	\$ 44,604.42
Construction inspections	\$ 30,000.00	\$ 30,000.00	\$ 12,600.00	\$ 17,400.00	\$ 12,600.00
Indirect Construction Costs	\$ -	\$ -			\$ -
Developer fee and overhead	\$ 2,305,098.00	\$ 2,305,098.00	\$ 1,163,128.00	\$ 1,141,970.00	\$ 1,163,128.00
Third Party Reports					
Environmental Phase 1	\$ 12,000.00	\$ 12,000.00	\$ 5,040.00	\$ 6,960.00	\$ 5,040.00
Feasibility Study	\$ 15,800.00	\$ 15,800.00	\$ 6,636.00	\$ 9,164.00	\$ 6,636.00
Market study	\$ 9,140.00	\$ 9,140.00	\$ 3,838.80	\$ 5,301.20	\$ 3,838.80
Geotechnical Report	\$ 12,000.00	\$ 12,000.00	\$ 5,040.00	\$ 6,960.00	\$ 5,040.00
Civil Engineering	\$ 57,000.00	\$ 57,000.00	\$ 23,940.00	\$ 33,060.00	\$ 23,940.00
Traffic Study	\$ -	\$ -	\$ -	\$ -	\$ -
ALTA	\$ 17,800.00	\$ 17,800.00	\$ 7,476.00	\$ 10,324.00	\$ 7,476.00
Financing Costs					
Construction loan interest	\$ 188,858.00	\$ 188,858.00	\$ 130,162.00	\$ 58,696.00	\$ 130,162.00
Construction loan interest after construction	\$ 198,877.00	\$ -	\$ 116,074.00	\$ 82,803.00	\$ -
Permanent loan fees	\$ 82,510.00	\$ -	\$ 34,360.00	\$ 48,150.00	\$ -
Construction loan fees	\$ 122,000.00	\$ 122,000.00	\$ 61,000.00	\$ 61,000.00	\$ 61,000.00
Title and recording - construction	\$ 80,000.00	\$ 80,000.00	\$ 33,600.00	\$ 46,400.00	\$ 33,600.00
Title and recording - Perm Lender	\$ 21,000.00	\$ -	\$ 10,500.00	\$ 10,500.00	\$ -
Other Costs	\$ -	\$ -			
Tax credit fees	\$ 112,806.00	\$ -	\$ 80,162.00	\$ 32,653.90	\$ -
HTF Org Fee	\$ 41,300.00	\$ 17,346.00	\$ 17,346.00	\$ 23,954.00	\$ 17,346.00
Property insurance	\$ 60,000.00	\$ 60,000.00	\$ 25,200.00	\$ 34,800.00	\$ 25,200.00
Real estate taxes during construction	\$ 2,000.00	\$ 2,000.00	\$ 840.00	\$ 1,160.00	\$ 840.00
Marketing	\$ 3,000.00	\$ -	\$ 1,500.00	\$ 1,500.00	\$ -
Investor Legal	\$ 130,000.00	\$ -	\$ 35,000.00	\$ 95,000.00	\$ -
HERS Rating	\$ 7,000.00	\$ -	\$ -	\$ 7,000.00	\$ -
Legal - construction lender	\$ 115,000.00	\$ 115,000.00	\$ 48,300.00	\$ 66,700.00	\$ 48,300.00
Legal - permanent loan	\$ 100,000.00	\$ -	\$ 35,000.00	\$ 65,000.00	
Legal - partnership	\$ 262,000.00	\$ -	\$ 100,000.00	\$ 162,000.00	
Cost certification	\$ 20,000.00	\$ -	\$ 10,000.00	\$ 10,000.00	
Rent up Reserve	\$ 93,082.00	\$ -	\$ 29,613.00	\$ 63,469.00	
Operating reserve	\$ 364,326.00	\$ -	\$ 138,942.00	\$ 225,384.00	
Soft cost contingency	\$ 100,506.00	\$ 63,318.78	\$ 42,212.52	\$ 58,293.48	\$ 42,212.52
Total	\$ 20,902,918.05	\$ 18,672,175.83	\$ 9,016,470.74	\$ 11,886,457.21	\$ 8,130,081.64

Credit Calculation

	9% Calc - Actual	4% Calc - Actual	9% Calc - Test	4% Calc Test
Eligible Basis	\$ 8,130,081.64	\$ 10,542,094.19	\$ 7,035,080.82	\$ 11,637,095.01
Applicable Fraction	100%	100%	100%	100%
Less Developers Fee	\$ 1,163,128.00	\$ 1,141,970.00	\$ 1,163,128.00	\$ 1,141,970.00
Subtotal	\$ 6,966,953.64	\$ 9,400,124.19	\$ 5,871,952.82	\$ 10,495,125.01
Applicable Federal Rate	130%	100%	130%	100%
Subtotal	\$ 9,057,039.73	\$ 9,400,124.19	\$ 7,633,538.67	\$ 10,495,125.01
Add Back Developers Fee	\$ 1,163,128.00	\$ 1,141,970.00	\$ 1,163,128.00	\$ 1,141,970.00
Subtotal	\$ 10,220,167.73	\$ 10,542,094.19	\$ 8,796,666.67	\$ 11,637,095.01
Credit Eligible	9.00%	3.19%	9.00%	3.19%
	\$ 919,815.10	\$ 336,292.80	\$ 791,700.00	\$ 371,223.33
Percentage Awarded				
Credit Awarded	\$ 791,700.00	\$ 336,292.00	\$ 791,700.00	\$ 371,223.00
Year of Credit	10	10	10	10
Credit Percent Sold	99.99%	99.99%	99.99%	99.99%
Credit Sales Price	0.90	0.885	0.90	0.885
Credit Sales Proceeds	\$ 7,124,587.47	\$ 2,975,886.58	\$ 7,124,587.47	\$ 3,284,996.00
Debt Funding Required	\$ 1,891,883.27	\$ 8,910,570.63	\$ 1,890,836.00	
First Mortgage	\$ 1,718,000.00	\$ 3,100,000.00	\$ 1,718,000.00	
Housing Trust Fund	\$ 172,836.00	\$ 2,635,000.00	\$ 172,836.00	

CITY OF FARGO ASSESSMENT DEPARTMENT

Elcott Park 9 LHFC	01-6860-0955-0000
Parcel Number	4462 30 Ave S
Address	
Date Application Received	5/8/2020
1st Publication Date	5/19/2020
2nd Publication Date	5/26/2020
IRC Meeting Date	5/29/2020
Commission Hearing Date	6/15/2020
Notice Delivery To School/County	5/20/2020
School/County 30 Day Response	6/18/2020
Exemption Type	PLCOT
Estimated Improvements Value	\$2,560,000
Land Value	\$385,953
Anticipated Tax Growth	2.0%
Current Mill Levy @ Approval	173.32
Number of Years Granted	27
Discount Rate (for Present Value)	4.50%
Total Gross Estimated Benefit	\$809.43V
Present Value of Benefit	\$264,100

5/22/2020

[illegible]

If County opted out of this Incentive, PI-OTax + County Adm Share will be the PI-OTax Payment to Land Tax						
County Share	County Adm Share	County Share Impr	Full Impr Net Tax	PI-OTax Payment	% Ex-Benefit	PV of Benefit
1	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
2	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
3	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
4	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
5	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
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166	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
167	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
168	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
169	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
170	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
171	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
172	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
173	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
174	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
175	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
176	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
177	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
178	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
179	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
180	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
181	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
182	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
183	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
184	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
185	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
186	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
187	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
188	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
189	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
190	\$0	\$5,272	\$5,272	\$1,595	82%	\$2,656
191	\$0	\$5,272	\$5,272			

CALCULATION OF ADDITIONAL TAXES TO COUNTY						
Land Value	Improve ment Value	Year	Mill Levy	CD Levy	%	Full Rate Net Tax
\$365,953	\$2,560,000	2023	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2022	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2021	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2020	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2019	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2018	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2017	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2016	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2015	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2014	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2013	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2012	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2011	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2010	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2009	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2008	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2007	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2006	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2005	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2004	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2003	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2002	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2001	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	2000	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1999	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1998	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1997	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1996	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1995	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1994	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1993	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1992	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1991	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1990	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1989	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1988	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1987	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1986	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1985	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1984	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1983	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1982	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1981	275.32	48.00	17.6%	\$355,241
\$365,953	\$2,560,000	1980	275.32	48.00	17.6%	\$3

June 18, 2020

Memorandum

To: City of Fargo

From: PFM Financial Advisors LLC

Re: Elliott Place Analysis

The Fargo Housing & Redevelopment Authority ("FHRA") and the BlueLine Development, Inc. are working to develop Elliott Place which will be a senior living facility consisting of 84 Americans with Disabilities Act compliant units to serve low income households. Total cost is estimated to be approximately \$20.9 million with funding coming from 9% and 4% low-income housing tax credits.

PFM reviewed and replicated the projected cash flows of Elliott Place as provided by the FHRA. PFM found the assumptions used in the pro forma cash flow to be reasonable. In order to finance the project, FHRA secured 9% and 4% Low-Income Housing Tax Credits (LIHTC) which they were able to leverage into approximately \$10.1 million of tax credit equity. In addition, FHRA received grants from the Housing Trust Fund, Housing Incentive Fund, and City HOME totaling \$5,957,836 which will be repaid to the FHRA from net revenues of the project. The FHRA plans to take out permanent mortgage loans to fund the last funds needed in the amount of \$4,825,000 million. Elliott Place must have a minimum of 1.15x coverage on the permanent loan per the lender which is a reasonable coverage level for this type and size of project.

PFM ran three analyses:

- 1.) Full taxes paid only on the land value (\$1,013,000);
- 2.) Full taxes paid on land and building value (\$7,733,000); and
- 3.) Full taxes paid on land value only plus County's share of building.

PFM found that the project will be feasible only under Scenario 1. The project falls short of the minimum debt service coverage of 1.15x for the other scenarios.

<u>Scenario</u>	<u>Minimum Coverage in First 10 Years</u>	<u>1.15x Coverage Achieved</u>
Scenario 1	1.17x	Year 1
Scenario 2	0.81x	Year 12
Scenario 3	1.10x	Year 3

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MEMORANDUM

TO: Board of City Commissioners

From: Donald Kress, current planning coordinator



Date: June 25, 2020

RE: Annexation of a portion of Auditors Lot 2, Section 14, Township 140 North, Range 49 West

June 29, 2020 is the date set by the City Commission to confirm petition of protest and take action on an ordinance for annexation of a portion of Auditors Lot 2, Section 14, Township 140 North, Range 49 West.

The petition for annexation was brought forward by the land owner. There are no other property owners within the boundary of the proposed annexation. Advertisements were placed in The Forum and notices were sent to Reed Township and Cass County. Staff has not received any form of protest or concerns from the public.

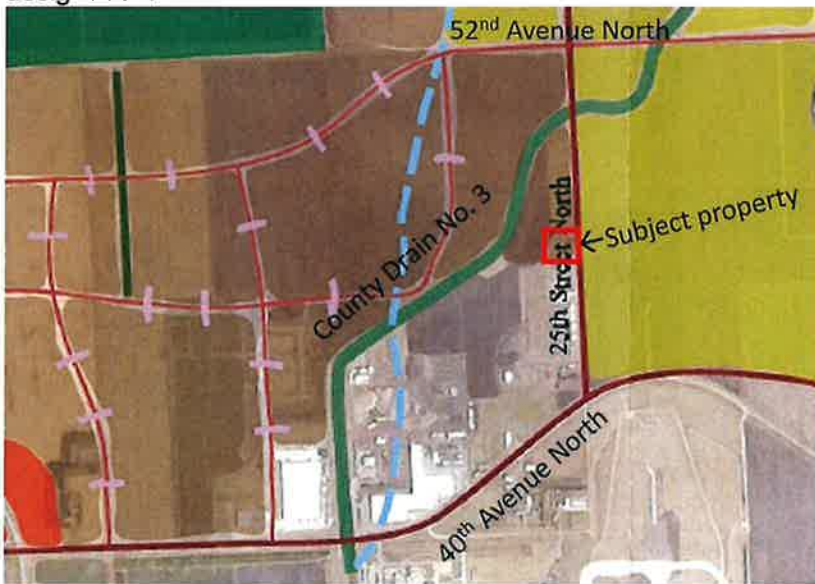
The property is proposed to be developed as a one-lot industrial subdivision along 25th Street North, adjacent to existing industrial development. The boundaries of the annexation and corresponding legal description are attached.

Approval of this annexation includes approval of a non-protest agreement between the applicant and the City in relation to future paving of 25th Street North. A final draft of this agreement is attached.

As this annexation is from a petition by the property owner, the City Attorney has prepared an ordinance that is attached to this package.

RECOMMENDED 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 annexation Ordinance on the first reading, and move to approve 1) the proposed annexation of a portion of Auditors Lot 2, Section 14, Township 140 North, Range 49 West, as depicted in the attached map and legal description; and 2) the non-protest agreement.

City of Fargo Staff Report			
Title:	Annexation of portion of Auditor's Lot 2 of the East Half of Section 14, Township 140 North, Range 49 West	Date: Update:	4/29/2020 6/25/2020
Location:	4764 25 th Street North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of Auditors Lot 2, Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Luxsun Investments, LLC/Thad Thorsness	Engineer:	Mead and Hunt
Entitlements Requested:	Annexation (portion of Auditor's Lot 2 of the East Half of Section 14, Township 140 North, Range 49 West)		
Status:	City Commission Public Hearing: June 29, 2020		
Proposal:			
<p>The applicant has petitioned the City to annex approximately 1.83 acres of land that is currently within the city's extra-territorial jurisdiction (ETJ). This area is undeveloped. A map of the proposed annexation area is attached.</p> <p><i>NOTE: A subdivision plat and request for a zone change for the proposed annexed area will be heard as the next item on the June 29, 2020 City Commission agenda.</i></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>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: AG, undeveloped, in ETJ • East: AG, undeveloped, in ETJ, airport property • South: LI, small industrial uses, mainly storage and shop condos • West: LI, platted but not developed 			
Area Plans:			
<p>The 2007 North Fargo Tier 1 East Growth Plan, part of the 2007 Growth Plan, designates the area of this project as "Industrial" land use. Per that plan, the proposed LI zoning is consistent with this land use designation.</p>			
 <p>Proposed Land Uses</p> <ul style="list-style-type: none"> Residential Area - lower to medium density Residential Area - medium to high density Residential Area - rural Commercial Area Industrial Area Agricultural Research 			

Context:

Schools: The subject property is located within the Fargo School District and is served by Washington Elementary, Benjamin Franklin Middle and North High schools.

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

Parks: Riverwood Park (4707 County Road 31) is located approximately 1.84 miles (by road) east of the project site and provides the amenities of basketball courts; cricket, football, soccer, and multipurpose fields; grill; picnic table; recreational trails; shelter; playground—ages 5-12.

Pedestrian / Bicycle: There are no on-road or off-road bike facilities adjacent to this property.

Staff Analysis:

OWNERSHIP

The entire property involved in the annexation is owned by the applicant, Luxsun Investments, LLC. No existing residences or businesses other than the applicant's business are included in the annexation area.

PLAN CONSISTENCY

This property is outside of the Fargo city limits. The applicant has requested annexation through a petition. The proposed annexation area is depicted on the 2007 North Fargo Tier 1 East Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the "Tier 1" designation as the "Intended Growth Sector" for the city of Fargo within the next 20 years (that is, by the year 2027).

Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that "Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]" and that "Carefully planned extensions of the city as a result of demand for housing help to counter disruptive leapfrog development." (page 55, 2007 Growth Plan). The proposed development is adjacent to existing limited industrial development along 25th Street North. This location corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development:

- Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services; and
- Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property. (page 56, 2007 Growth Plan)

The proposed development is consistent with the land use designations of the 2007 Growth Plan; no growth plan amendment is necessary for this project.

NON-PROTEST AGREEMENT

The city attorney's office has prepared a non-protest agreement between the applicant and the City, regarding future paving of 25th Street North, in which the applicant waives his right to protest future paving and consents to accept his share of the cost for that paving. This is a standard agreement in the City's annexation process. Approval of this agreement by the City Commission is recommended in the motion below. A final draft of this agreement is attached.

PROCESS

This request for annexation was reviewed by the Public Works Project Evaluation Committee (PWPEC) at their January 21, 2020 meeting. The Planning Commission evaluated this proposed annexation for consistency with the 2007 Growth Plan at their May 5, 2020 Planning Commission meeting. The Cass County Auditor and the Reed Township clerk were notified of this proposed annexation. No comments were received.

ORDINANCE:

As this annexation is from a petition by the property owner, the City Attorney has prepared an ordinance that is attached to this package.

Staff Recommendation: June 29, 2020
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 annexation Ordinance on for first reading, and move to approve 1) the proposed annexation of a portion of Auditor's Lot 2, Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, as depicted in the attached map and legal description; and 2) the non-protest agreement.
Planning Commission Recommendation: May 5, 2020
On May 5, 2020, by a vote of 7-0 with three Commissioners absent and one seat vacant, the Planning Commission found the proposed annexation of a portion of Auditor's Lot 2, Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan.
Attachments:
<ol style="list-style-type: none">1. Zoning Map2. Aerial Photograph3. Annexation Petition4. Annexation Plat5. Annexation Legal Description6. Non-protest agreement

Annexation, Zone Change (AG to LI) & Plat (Major)

Luxsun 25th Street North Addition

4764 25th St N



Legend



300

Fargo Planning Commission

Feet

April 7, 2020

Annexation, Zone Change (AG to LI) & Plat (Major)

Luxsun 25th Street North Addition

4764 25th St N





ORIGINAL

Planning & Development
 225 4th Street North
 Fargo, ND 58102
 Office: 701.241.1474 | Fax: 701.241.1526
 Email: Planning@FargoND.gov
www.FargoND.gov

PETITION FOR ANNEXATION

To: City of Fargo

The undersigned, being the owner of not less than three-fourths in assessed value of the following described property, hereby petitions the City of Fargo to annex said property pursuant to Section 40-51.2-03 NDCC. The following is a description of the property to be annexed:

All that part of Auditor's Lot 2 of the East Half of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian,

on file and of record as document number 1490962, in the office of the County Recorder of Cass County, North Dakota,

lying north of the south line of the Northeast Quarter of said Section 14.

Contains 1.83 acres, more or less.

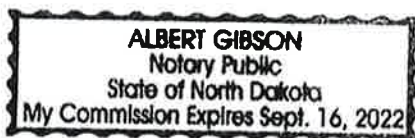
The undersigned further certifies that Luxsun Investments, LLC is the owner of at least three-fourths in assessed value of the property hereinabove described.

Dated this 18 day of February, in the year 2020

Signature Thad S. Thorsness

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

On this 18th day of February, in the year 2020, before me, a notary public in and for said County and State, personally appeared Thad S. Thorsness, who executed to foregoing instrument, and acknowledged to me that he/she executed the same.



Albert Gibson
 Notary Public
 Cass County, North Dakota
 My Commission Expires:

ANNEXATION LEGAL DESCRIPTION

All that part of Auditor's Lot 2 of the East Half of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, on file and of record as document number 1490962, in the office of the County Recorder of Cass County, North Dakota, lying north of the South line of the Northeast Quarter of said Section 14.

Said tract contains 1.83 acres, more or less.

THIS DEVELOPER AGREEMENT (“Agreement”), made and entered by and between **THE CITY OF FARGO, NORTH DAKOTA**, a municipal corporation, hereinafter referred to as “City”, and Luxsun Investments, LLC, a North Dakota Limited Liability Company, hereinafter referred to as “Owner”,

WITNESSETH:

WHEREAS, Owner owns the property, legally described as follows:

Lot 1, Block 1, Luxsun 25th Street North Addition to the City of Fargo, County of Cass, State of North Dakota.

Hereinafter, “Development Property.”

WHEREAS, Owner petitioned for Annexation to the City of Fargo;

WHEREAS, Owner has agreed to execute this Agreement required by City in order to record the annexation plat; and

WHEREAS, 25th Street North is presently a gravel road, but will likely be paved in the future.

NOW, THEREFORE, for good and valuable consideration, it is hereby agreed by and between the parties hereto as follows:

1. Owner holds all right, title and interest in the Development Property, which plat is pending final approval by the City.
2. Owner waives its right to protest the resolution of necessity for the paving for which such resolutions are required pursuant to North Dakota Century Code, Section 40-22-17, if any, and specifically consents to the paving at the appropriate time, in conformance with City

Standards and Specifications. Owner further consents to the assessment of cost thereof to the Development Property. Owner further waives any right to protest the amount, benefit or any other assessment attribute related to the paving. Project costs which may be assessed against the Development Property include all costs of completing the paving.

3. Notice:

As to City:

City Engineer
225 North 4th Street
Fargo, ND 58102
(701) 241-1545

As to Developer:

Luxsun Investments, LLC
Thad Thorsness, Managing Partner
4502 25th St North
Fargo, ND 58102

4. It is understood and agreed by and between the parties that this Agreement is given subject to any limitation on the authority of City to grant such permission, which may now or hereafter exist.
5. This Agreement will be construed and enforced in accordance with North Dakota law. The parties agree any litigation arising out of this Agreement will be venued in District Court in Cass County, North Dakota, and the parties waive any objection to personal jurisdiction.
6. The failure or delay of City to insist on the performance of any of the terms of this Agreement, or the waiver of any breach of any of the terms of this Agreement, will not be construed as a waiver of those terms, and those terms will continue and remain in full force and effect as if no forbearance or waiver had occurred and will not affect the validity of this Agreement, or the right of City to enforce each and every term of this Agreement.
7. If any court of competent jurisdiction finds any provision or part of this Agreement is invalid, illegal, or unenforceable, that portion will be deemed severed from this Agreement, and all remaining terms and provisions of this Agreement will remain binding and enforceable, and the parties' obligations under this Agreement will remain binding and enforceable.
8. This Agreement, together with any related documents, as well as any amendments to those agreements and documents, constitutes the entire agreement between the parties regarding the matters described in this Agreement.
9. Any modifications or amendments of this Agreement must be in writing and signed by both parties to this Agreement.

10. It is specifically agreed between the parties that this Agreement shall be recorded in conjunction with the filing of the plat.

Dated this _____ day of _____, 2020.

Luxsun Investments, LLC

By:

Its:

STATE OF _____)
) ss:
COUNTY OF _____)

On this ____ day of _____, 2020, before me, a notary public in and for said county and state, personally appeared _____ to me known to be the _____ of the Luxsun Investments, LLC, the entity described in and that executed the within and foregoing instrument, and acknowledged to me that he/she executed the same.

(SEAL)

Notary Public

County, _____

Dated this ____ day of _____, 2020.

**CITY OF FARGO, NORTH DAKOTA,
a municipal corporation**

By _____
Dr. Timothy J. Mahoney, M.D., Mayor

ATTEST:

Steven Sprague, City Auditor

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

On this ____ day of _____, 2020, before me, a notary public in and for said county and state, personally appeared **TIMOTHY J. MAHONEY, M.D.** and **STEVEN SPRAGUE**, to me known to be the Mayor and Auditor, respectively, of the **CITY OF FARGO, NORTH DAKOTA**, a municipal corporation described in and that executed the within and foregoing instrument, and acknowledged to me that said municipal corporation executed the same.

(SEAL)

Notary Public
Cass County, North Dakota

The legal description was prepared by:
City of Fargo Engineering
200 N. 3rd St.
Fargo, ND 58102

This document was prepared by:
Nancy J. Morris
Assistant City Attorney
Erik R. Johnson & Associates, Ltd.
505 North Broadway, Suite 206
Fargo, ND 58102
701-280-1901
NMorris@lawfargo.com

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

2162

AN ORDINANCE ANNEXING A CERTAIN PARCEL OF LAND
LYING IN THE EAST HALF OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST,
IN CASS COUNTY, NORTH DAKOTA

WHEREAS, A Petition for Annexation has been submitted by the owners of not less than three-fourths in assessed value of the property described in said Petition for Annexation to the City of Fargo, Cass County, North Dakota, in accordance with Section 40-51.2-03 N.D.C.C.; and,

WHEREAS, Public notice of the submission of such Petition has been given by publication in The Forum as required by Section 40-51.2-05 N.D.C.C.; and,

WHEREAS, Said Section 40-51.2-03 N.D.C.C. requires that such annexation be accomplished by ordinance,

NOW, THEREFORE,

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

Section 1. The following described property located in the East Half of Section 14, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County North Dakota, is hereby annexed to the City of Fargo, Cass County, North Dakota:

All that part of Auditor's Lot Two (2) of the East Half of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, on file and of record as Document Number 1490962, in the office of the County Recorder of Cass County, North Dakota, lying north of the South line of the Northeast Quarter of said Section 14.

Said tract contains 1.83 acres, more or less.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 2. Effective Date.

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

CITY OF FARGO

By _____
Timothy J. Mahoney, M.D., Mayor

ATTEST

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

21c

City of Fargo Staff Report			
Title:	Luxsun 25 th Street North Addition	Date:	4/29/2020
		Updated:	6/25/2020
Location:	4764 25 th Street North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Auditors Lot 2, Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Luxsun Investments, LLC/Thad Thorsness	Engineer:	Mead and Hunt
Entitlements Requested:	Major Subdivision (replat of Auditors Lot 2, Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota) Zone Change (from AG, Agricultural to LI, Limited Industrial)		
Status:	City Commission Public Hearing: June 29, 2020		

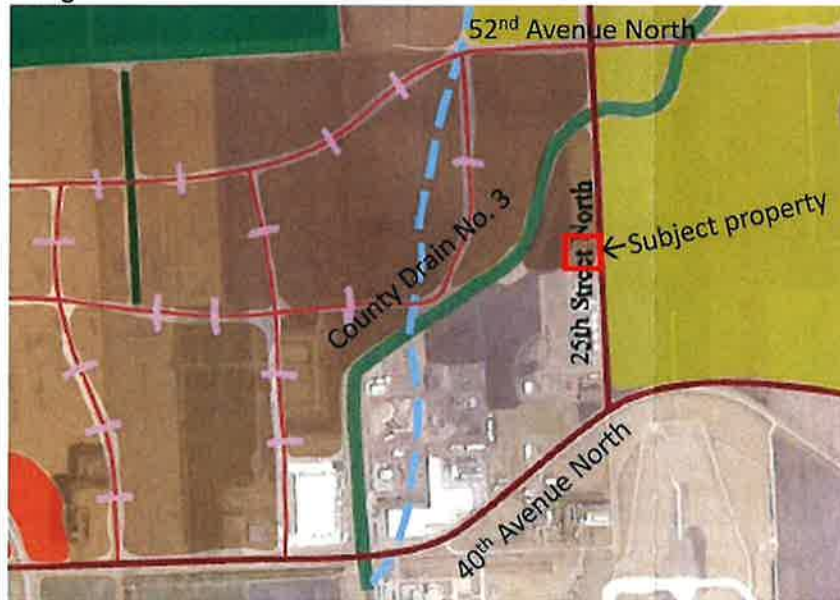
Existing	Proposed
Land Use: Undeveloped	Land Use: Industrial
Zoning: AG, Agricultural	Zoning: LI, Limited Industrial
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Lot Coverage Allowed: 85%

Proposal:
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled Luxsun 25th Street North Addition, a one block, one lot subdivision, which is a replat of a Auditors Lot 2, Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota 2. A zone change from AG: Agricultural to LI, Limited Industrial <p><i>NOTE: This property is in Fargo's extra-territorial jurisdiction (ETJ). The proposal for annexation of this property a was heard as the previous item on the June 29, 2020 City Commission agenda.</i></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>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: AG, undeveloped, in ETJ

- East: AG, (in ETJ) Airport Authority property—not developed
- South: LI, small industrial uses, mainly storage and shop condos
- West: LI, platted but not developed

Area Plans:

The 2007 North Fargo Tier 1 East Growth Plan, part of the 2007 Growth Plan, designates the area of this project as “Industrial” land use. Per that plan, the proposed LI zoning is consistent with this land use designation.



- Proposed Land Uses**
- Residential Area - lower to medium density
 - Residential Area - medium to high density
 - Residential Area - rural
 - Commercial Area
 - Industrial Area
 - Agricultural Research

Context:

Schools: The subject property is located within the Fargo School District and is served by Washington Elementary, Benjamin Franklin Middle and North High schools.

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

Parks: Riverwood Park (4707 County Road 31) is located approximately 1.84 miles (by road) east of the project site and provides the amenities of basketball courts; cricket, football, soccer, and multipurpose fields; grill; picnic table; recreational trails; shelter; playground—ages 5-12.

Pedestrian / Bicycle: There are no on-road or off-road bike facilities adjacent to this property.

Staff Analysis:

PLAT: The plat will create a one lot in one block by replatting the existing Auditor's Lot 2. The plat will dedicate a total of 40 feet of right of way for 25th Street North along the property frontage. That street is a section line road. This consists of 33 feet of statutory right of way and seven additional feet of right of way.

ZONE CHANGE: The proposed LI, Limited Industrial zoning is consistent with the adjacent zoning to the west and south as well as with the 2007 Growth Plan designation of “Industrial” for this area.

ACCESS: The lot will take access from 25th Street North.

PROXIMITY AGREEMENT: The Fargo Airport Authority's attorney has prepared a proximity agreement between the applicant and the City. This is a standard agreement between the City of Fargo and property owners within the Hector International Airport noise contour and approach and in proximity to

the overflow sewage lagoons. It relates to proximity of airport, noise attenuation and odor. The City Commission's approval of this agreement is recommended in the motion below. A final draft of this agreement is attached.

ANNEXATION: This property is outside of the Fargo city limits. The applicant has requested annexation through an owner-initiated petition. The Planning Commission evaluated this proposed annexation for consistency with the 2007 Growth Plan at the May 5, 2020 Planning Commission agenda. The City Commission hearing on this annexation is scheduled for the June 29, 2020 City Commission agenda as the item previous to the current item.

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 zoning for this property is LI, Limited Industrial, which will accommodate the proposed development. The LI zoning designation is consistent with the "industrial" designation for this property in the 2007 Growth Plan—North Fargo Tier 1 East. **(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. The project site will become eligible to receive City services after it has been annexed. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subdivision will front on a dedicated public street. The necessary rights of way for this street (25th Street North) will be dedicated with the plat. This street 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, staff has not received any public comment or inquiries. 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—North Fargo Tier 1 East. This plan designates this property as appropriate for industrial development, which includes the LI zone. 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 this property is LI, Limited Industrial, which will accommodate the proposed

development. The LI zoning designation is consistent with the “industrial” designation for this property in the 2007 Growth Plan—North Fargo Tier 1 East. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any public comment or inquiries. **(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, Limited Industrial. This zoning is consistent with the “industrial” designation for this property in the 2007 Growth Plan—North Fargo Tier 1 East. 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.

The City’s standard policy is that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.

(Criteria Satisfied)

Staff Recommendation: June 29, 2020

Suggested Motion: “To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed: 1) zone change from AG, Agricultural to LI, Limited Industrial; and 2) plat of **Luxsun 25th Street North Addition** 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; and 3) the airport proximity agreement.

Planning Commission Recommendation: May 5, 2020

On May 5, 2020 by a vote of 8-0 with two Commissioners absent and one seat vacant, the Planning Commission moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to LI, Limited Industrial; and 2) plat of **Luxsun 25th Street North Addition**; 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
4. Airport Proximity Agreement

Annexation, Zone Change (AG to LI) & Plat (Major)

Luxsun 25th Street North Addition

4764 25th St N



Legend



300

Feet

Fargo Planning Commission

April 7, 2020

Annexation, Zone Change (AG to LI) & Plat (Major)

Luxsun 25th Street North Addition

4764 25th St N



AGREEMENT

(Proximity of Airport, Noise Attenuation and Sewage Lagoons)

THIS AGREEMENT, Made and entered into this ____ day of _____, 2020, by and between LUXSUN INVESTMENTS, LLC, hereinafter referred to as "Owner," and CITY OF FARGO, A NORTH DAKOTA MUNICIPAL CORPORATION, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the Owner is the record owner of a tract of land located in Cass County, North Dakota, said tract being more particularly described hereinafter; and,

WHEREAS, said tract is located within the extraterritorial jurisdiction (ETJ) of City of Fargo but will be annexed as a part of the overall project; and,

WHEREAS, Owner has made a development request of the City for a change in zoning from agricultural (AG) to limited industrial (LI) zoning; and,

WHEREAS, the Board of City Commissioners of the City have approved and enacted a zoning ordinance to effect such change upon the condition that the Owner and Owner's

successors in interest be bound to a covenant acknowledging the proximity of Hector International Airport and the City's sewage lagoons to Owner's property; and,

WHEREAS, Owner is willing to execute and to have recorded an agreement wherein Owner recognizes the proximity of said facilities in regard to all of the property owned or to be owned by Owner 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 Owner's property, situate in the County of Cass and State of North Dakota, more fully described as:

Block 1, Lot 1 of Luxsun 25th Street North Addition

[hereinafter referred to as the "Subject Property"]

2. As a condition of City's approval of said platting and zoning, Owner does hereby covenant and agree with the City that said Owner 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 against the City 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 the Subject 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, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities.

3. Owner agrees that it 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 the Subject Property for any lawful purposes and specifically for any damages caused or allegedly caused to the Subject Property 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 the Subject Property, including any suit instituted to enforce the obligations of this agreement of indemnity, and Owner agrees to pay to City all sums of money, with interest, which the City shall or may pay or cause to be paid, or become liable to pay, on account of or in connection with such use of the Subject Property, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. 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. Paragraphs two (2) and three (3) above shall also apply in all regards to the sewage lagoons owned by the City of Fargo and specifically concerning any odors emanating from said lagoons.

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

FAIR DISCLOSURE STATEMENT

Sewage Lagoons -- The tract of land hereby conveyed and legally described lies within the vicinity of certain sewage lagoons owned and maintained by the City of Fargo and may be impacted by odors emanating from said lagoons. The level of usage of said lagoons may vary, from time to time, so that at times the lagoons are "dry" and at other times the lagoons may contain sewage for treatment purposes and that, as a result, there may be no appreciable odor emanating from the lagoons and at other times there may be an appreciable odor emanating from the lagoons.

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
65-75	Discretionary: Normally unacceptable
Below 65	Clearly acceptable

These site suitability classifications are further defined by HUD as:

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

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

3. Clearly acceptable: The noise exposure is such that the activities associated with the land use may be carried out with

essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)

Certification

The undersigned purchaser of said tract of land, certifies that (s)he (they) has (have) read the above statement and acknowledge(s) the preexistence of the airport named above and the right of said airport to continue to operate and also recognizes the City of Fargo sewage lagoon existence.

Owner

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

6. 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.

LUXSUN INVESTMENTS, LCC

By: _____
Thad Thorsness, Managing Partner

STATE OF NORTH DAKOTA)
) ss
COUNTY OF CASS)

On this _____ day of _____, 2020, before me, a notary public within and for said county and state, personally appeared THAD THORSNESS, to me known to be the Managing Partner of LUXSUN INVESTMENTS, LLC, described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

Notary Public

(S E A L)

CITY OF FARGO, A NORTH DAKOTA
MUNICIPAL CORPORATION

By: _____
Dr. Timothy Mahoney, Mayor

ATTEST:

Steven Sprague, City Auditor

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

On this _____ day of _____, 2020 before me, a notary public within and for said county and state, personally appeared DR. TIMOTHY MAHONEY, MAYOR and STEVEN SPRAGUE, to me known to be the Mayor and City Auditor, respectively, of the CITY OF FARGO, A NORTH DAKOTA MUNICIPAL CORPORATION, described in and that executed the foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

Notary Public

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

2/c2

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN THE LUXSUN 25TH STREET NORTH 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 Luxsun 25th Street North Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on May 5, 2020; and,

WHEREAS, the rezoning changes were approved by the City Commission on June 29, 2020,

NOW, THEREFORE,

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

Section 1. The following described property:

All of the Luxsun 25th Street North Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "AG" Agricultural, District to "L/I", Limited Industrial, District in the Luxsun 25th Street North Addition.

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.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

(SEAL)

Attest:

Timothy J. Mahoney, M.D., Mayor

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

22a

FINANCE OFFICE

PO Box 2083

225 4th Street North

Fargo, ND 58102

Phone: 701.241.1333 | Fax: 701.476.4188

www.FargoND.gov

TO: BOARD OF CITY COMMISSIONERS

FROM: KENT COSTIN, DIRECTOR OF FINANCE *Kac*

RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL

DATE: June 16, 2020

The existing legislation in place for State Water Commission funding related to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project requires that the Fargo City Commission, Cass County Commission, and the Cass Water Resource Board approve all payment reimbursement requests prior to their submission and ultimate payment.

As requested previously by the City Commission, the costs related to the Oxbow Hickson Bakke levee are being presented separately from the rest of the Metro Flood Diversion expenses. This request includes only the OHB levee related costs for April 2020 – May 2020.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$228,188.72.

FINANCE OFFICE

PO Box 2083

225 4th Street North

Fargo, ND 58102

Phone: 701.241.1333 | Fax: 701.476.4188

www.FargoND.gov

June 16, 2020

Garland Erbele, P.E.
North Dakota State Water Commission
900 East Boulevard Avenue, Dept 770
Bismarck, ND 58505-0850

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #103 pursuant to the terms and conditions of House Bill 1020 for costs incurred on the OHB Levee project from April 1, 2020 to May 31, 2020. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$228,188.72.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$225,398,165.30	\$456,377.44	50%	\$228,188.72	\$84,873,645.98

Project Narrative, this request:

Project Number	Project Description
V01701	3 vacant lots purchased at tax forfeiture auction
V04401	Pay Application #12 for WP43CD – OHB Ring Levee Phases C and D

We certify that \$91,908,419 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of SB 2020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in SB 2020. Copies of their approval letters are included.

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

Sincerely,



Kent Costin
Director of Finance, City of Fargo
Metro Flood Diversion Authority

Required Local Approvals:

City of Fargo

Cass County Commission

Cass County Joint Water Resource Dist.

**FM Metropolitan Area Flood Risk Management Project
Summary of Cash Disbursements Eligible for SWC Funding
April - May 2020 - OHB Levee Related**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Expense Description	Project Number	Project Description
790-0000-206.10-00	5/28/2020	304334	MEYER CONTRACTING INC	432,621.45	Pay Retainage	V04401	OHB RING LEVEE PHASES C&D
790-0000-206.10-00	5/28/2020	304334	MEYER CONTRACTING INC	53,988.25	Pay Retainage	V04401	OHB RING LEVEE PHASES C&D
Total Retainage				486,609.70			
790-7930-429.71-30	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	1,500.00	CITY OF OXBOW	V01701	ND LAND PURCH-OUT OF TOWN
Total LERRDS - North Dakota - Land Purchases				1,500.00			
790-7952-429.73-52	5/28/2020	304334	MEYER CONTRACTING INC	(31,732.26)	CREDIT TO CORRECT PO BAL	V04401	OHB RING LEVEE PHASES C&D
Total O/H/B Construction - Flood Control				(31,732.26)			
				456,377.44			

FINANCE OFFICE

PO Box 2083

225 4th Street North


Fargo, ND 58102

Phone: 701.241.1333 | Fax: 701.476.4188

www.FargoND.gov

(226)

TO: BOARD OF CITY COMMISSIONERS

FROM: KENT COSTIN, DIRECTOR OF FINANCE 

RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL

DATE: June 16, 2020

The existing legislation in place for State Water Commission funding related to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project requires that the Fargo City Commission, Cass County Commission, and the Cass Water Resource Board approve all payment reimbursement requests prior to their submission and ultimate payment.

The attached reimbursement request has been prepared by Finance staff and is ready for processing. Your approval of the request for funds is hereby requested as required.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$5,519,481.17

June 16, 2020

Garland Erbele, P.E.
 North Dakota State Water Commission
 900 East Boulevard Avenue, Dept 770
 Bismarck, ND 58505-0850

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #102 pursuant to the terms and conditions of House Bill 1020 for costs incurred from April 1, 2020 to May 31, 2020 on the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$5,519,481.17.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$219,878,684.13	\$1,479,398.36	100%	\$1,479,398.36	
		8,080,165.62	50%	\$4,040,082.81	
		\$9,559,563.98		\$5,519,481.17	\$85,101,834.70

Project Narrative, this request:

Project Number	Project Description
V01201	Soil boring payments to landowners
V01701	Land purchases for homeowners living in the areas of the diversion channel phases I and II, wild rice control structure, southern embankment, Drain 14, and for upstream mitigation
V01704	Right of entry for biotic and geomorphic services
V02825	Pay Application #12 for WP42E – 2nd St S and Main Ave Flood Mitigation
V03802	Pay Application #4 for WP50A – Property Structure Mitigation

We certify that \$91,908,419 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of SB 2020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in SB 2020. Copies of their approval letters are included.

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

Sincerely,

A handwritten signature in black ink that reads "Kent Costin". The signature is written in a cursive, flowing style.

Kent Costin
Director of Finance, City of Fargo
Metro Flood Diversion Authority

Required Local Approvals:

City of Fargo

Cass County Commission

Cass County Joint Water Resource Dist.

**FM Metropolitan Area Flood Risk Management Project
Summary of Cash Disbursements Eligible for SWC Funding
April - May 2020**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Expense Description	Project Number	Project Description
790-0000-206.10-00	4/16/2020	303680	SCHMIDT AND SONS CONSTRUCTION INC	(2,917.61)	RETAINAGE	V03802	PROPERTY STRUCTR MITIGATN
			Total Retainage	(2,917.61)			
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	375.00	WADE HANSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	375.00	JENNIFER HANSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	WALLACE FRANDSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	375.00	JAMES MOE	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	375.00	KELSEY MOE	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	1,500.00	ESTATE OF MAVIS BARTEL	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	SHEYENNE ESTATES CONDO AS	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	375.00	EDWARD HONGESS	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	375.00	TAMMY HONGESS	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	BRIAN NELSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	375.00	TRACY NICHOLSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	375.00	MICHAEL NICHOLSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	BRIAN BOER	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	DANA OTTERSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	1,500.00	MAMIE ANDERSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	1,500.00	SCOTT ANDERSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	375.00	DAVIS LEINO-MILLS	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	375.00	PAMELA LEINO-MILLS	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	RICHARD & SANDRA IHLAND	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	7 HORSESHOE BEND, LLC	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	VERNON & SHIRLEY WILLIAMS	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	KEITH MONSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	250.00	JON PETERSON & JOANN PETE	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	200.00	JUDY KILEN	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	300.00	LINDA PETERSON BINSTOCK	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	KIM STOKES	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	GAIL BAKKO	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	4,500.00	HEIDEN FAMILY, LLP	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	1,500.00	WILLIAM KUEHN	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	AMANDA GEIGER	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	750.00	ANDREA ALFSTAD	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	500.00	NORWOOD SALES	V01201	Cass Joint Water ROE
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	250.00	LEO AND SHIRLEY RICHARD	V01201	Cass Joint Water ROE
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	250.00	CECILIA KVANDLE LE	V01201	Cass Joint Water ROE
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	750.00	VIVIAN BAILLY REVOCABLE	V01201	Cass Joint Water ROE
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	250.00	ORLEN JR & KRISTINE VALAN	V01201	Cass Joint Water ROE
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	250.00	RONALD AND PATRICE DUVAL	V01201	Cass Joint Water ROE
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	375.00	BRIAN DIRKS	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	375.00	DEANNA DIRKS	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	1,500.00	MATTHEW & ERIN LARSGAARD	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	750.00	JUAN CAMARILLO	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	750.00	CHAD AND ASHLY WOLSKY	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	750.00	RICHARD & REBECCA HORSLEY	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	750.00	TODD AND JULIE DAIZELL	V01704	ND LAND - BIOTIC GEO MORP
			Total LERRDS - North Dakota - Right of Entry Requests	32,250.00			


**FM Metropolitan Area Flood Risk Management Project
Summary of Cash Disbursements Eligible for SWC Funding
April - May 2020**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Expense Description	Project Number	Project Description
790-7930-429.71-30	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	2,640,140.00	CONTRACTORS LEASING	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	1,241,289.53	LEO COSSETTE ETAL	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	472,135.00	DORIS NELSON	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	59,000.00	SCHMITZ & BRENNAN, LLC	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/1/2020	303384	CASS COUNTY JOINT WATER RESOURCE DI	505,635.00	ANN & STANLEY KULAS	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	697,800.00	JAYME RHEAULT	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	1,335,336.14	FUXA FAMILY, LLP	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	665,816.00	CHARLES RICHARDS	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	1,250.00	CITY OF HORACE	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	375,000.00	RONALD & PATRICE DUVAL	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	130,000.00	LANCE FREIER	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/30/2020	303847	CASS COUNTY JOINT WATER RESOURCE DI	1,034,530.32	NEIL THOMPSON	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	4/24/2020	14195	CITY OF FARGO-AUDITORS OFFICE	(20.00)	TERRY & KAY COMPSON	V01701	ND LAND PURCH-OUT OF TOWN
Total LERRDS - North Dakota - Land Purchases				9,167,911.99			
790-7930-429.73-20	4/16/2020	303680	SCHMIDT AND SONS CONSTRUCTION INC	20,000.00	PROP STRUCTURE MITIGATION	V03802	PROPERTY STRUCTR MITIGATN
Total LERRDS - North Dakota - Site Improvements				20,000.00			
790-7950-429.73-52	5/28/2020	304325	INDUSTRIAL BUILDERS INC	354,391.60	2 ST & MAIN AVE FLOOD MIT	V02825	2ND ST S FLOOD MITIGATION
790-7950-429.73-52	5/28/2020	304325	INDUSTRIAL BUILDERS INC	(2,072.00)	CITY OF FARGO SHARE	V02825	2ND ST S FLOOD MITIGATION
Total ND Construction - Flood Control				352,319.60			
				9,559,563.98			

23a

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: JUNE 29, 2020

SUBJECT: APPOINTMENTSTO THE BOARD OF APPEALS

The term of Jeff Furstenau on the Board of Appeals expires on June 30, 2020. Mr. Furstenau does not wish to be reappointed. Mark Honzay whose term would have expired on June 30, 2021 has moved out of the area and is no longer eligible to serve.

Kevin Bartram and Brian Berg have submitted their applications indicating interest in serving on the Board and I am recommending their appointments. I have attached copies of their applications for your information.

Your favorable consideration of these recommendations will be greatly appreciated.

RECOMMENDED MOTION: To approve the appointment of Kevin Bartram to the Board of Appeals for a five-year term ending June 30, 2025 and the appointment of Brian Berg to fill the unexpired term of Mark Honzay expiring on June 30, 2021.

Attachment
mmappt20boa

From: noreply@cityoffargo.com
Sent: Wednesday, June 10, 2020 9:45 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:

[Kevin Bartram]

Mailing Address:

[505 N Broadway]

City:

[Fargo]

State:

[North Dakota]

Zip:

[58102]

Work Phone:

[7012355563]

Home Phone:

[701-793-8410]

E-mail:

[kbartram@mbapc.com]

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

[Board of Appeals]

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

[Interested in keeping current with codes and the interpretation of the codes.]

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

[5-10 hours/mo]

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

[Was a School Board member at Kindred School District for about 8 years.]

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

[Registered Architect - work with codes from various jurisdictions.]

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

From: noreply@cityoffargo.com
Sent: Thursday, June 11, 2020 1:51 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:

[Brian Christopher Berg]

Mailing Address:

[510 4th Avenue North]

City:

[Fargo]

State:

[ND]

Zip:

[58102]

Work Phone:

[7017933786]

Home Phone:

[BLANK]

E-mail:

[bberg@zbarch.com]

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

[Board of Appeals]

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

[The Board of Appeals is relevant to my profession as an architect and I feel that I would have something to contribute. The Board reviews each new version of the Building Code prior to adoption and also hears appeals related to building code.]

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

[1-2]

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

[None]

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

[I'm an architect and have a high level of familiarity with the IBC and with the code review process.]

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

236

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY



DATE: JUNE 29, 2020

SUBJECT: CIVIL SERVICE APPOINTMENTS

The terms of Paul Grindeland and Kurt Losee on the Civil Service Commission expire on June 30, 2020. Mr. Grindeland and Mr. Losee are willing to serve another term and I am recommending their reappointment.

Your favorable consideration of this recommendation is greatly appreciated.


RECOMMENDED MOTION: To approve the reappointments of Paul Grindeland and Kurt Losee to the Civil Service Commission for three-year terms ending June 30, 2023.

mmappt20csc

230

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: JUNE 29, 2020

SUBJECT: APPOINTMENT TO THE SPECIAL ASSESSMENT COMMISSION

The term of Steve Bladholm on the Special Assessment Commission expired on July 1, 2020.

Mr. Bladholm is willing to continue his service on the Board and I am recommending that he be reappointed for a three-year term ending July 1, 2023.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: Approve the reappointment of Steve Bladholm to the Special Assessment Commission for a term ending July 1, 2023.

mmappt20sac

23d

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: JUNE 29, 2020

SUBJECT: APPOINTMENTS TO THE LIBRARY BOARD

The terms of Scott Beaulier, Jan Ulferts Stewart and Don Carlton Hawley Jr. on the Library Board expire on June 30, 2020. Mr. Beaulier and Mr. Hawley are willing to continue their service on the Board; however, Ms. Stewart no longer wishes to serve.

Kristen Schipper has submitted an application indicating interest in serving on the Board and I am recommending her appointment. I have attached her web application for your information.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Scott Beaulier and Don Carlton Hawley Jr. and the appointment of Kristen Schipper to the Library Board for three-year terms ending June 30, 2023.

mmappt20lib

From: noreply@cityoffargo.com
Sent: Thursday, May 28, 2020 10:15 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:
[Kristen Schipper]

Mailing Address:
[3049 Hickory St]

City:
[Fargo]

State:
[North Dakota]

Zip:
[58102]

Work Phone:
[701/237-2752]

Home Phone:
[701/238-6166]

E-mail:
[kdschipper@aol.com]

Which boards or commissions would you like to be considered for?
[Library Board]

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

[I'm an avid reader and have utilized our public libraries for over 30 years. I was on a library focus group before the new main library was built. I'm currently on the Cass County Planning Commission as a volunteer and believe strongly that to whom much is given, much is expected. This is a board that supports the library and is a good fit for my experience and interest.]

How many hours per month could you volunteer as a panel member?
[5 - 10/or as necessary]

Please list any past experience you have with city government here or in other cities:
[I have no experience with city government but am currently volunteering for the Cass County Planning Commission.]

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

[I've been on preschool boards, church council boards as President, lake association boards as President. I work at Bell Bank in mortgage and have good insight as to where families are moving to.]

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

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: JUNE 29, 2020

SUBJECT: APPOINTMENT TO THE BOARD OF ADJUSTMENT

The terms of Russell Ford-Dunker and Jared Heller on the Board of Adjustment expire on June 30th. Mr. Heller is willing to continue his service on the Board; however, Mr. Ford-Dunker no longer wants to serve on the Board.

Mr. Heller has been serving as an Alternate Board of Adjustment member and is willing to fill the vacancy on the Board created by the resignation of Mr. Ford-Dunker.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: Approve the reappointment of Jared Heller to the Board of Adjustment for a three-year term ending June 30, 2023.

mmappt20boardjust



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: JUNE 29, 2020

SUBJECT: APPOINTMENTS TO THE NATIVE AMERICAN COMMISSION

The terms of Heather Keeler and Chalsey Snyder expire on June 30th. Both Ms. Keeler and Ms. Snyder are willing to continue their service on the Board; therefore, I am recommending their reappointments.

Your favorable consideration of these recommendations will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Heather Keeler and Chalsey Snyder to the Native American Commission for three-year terms ending June 30, 2023.

2308

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: JUNE 29, 2020

SUBJECT: APPOINTMENTS TO THE PARKING COMMISSION

The terms of Randy Thorson and Jay Krabbenhoft on the Parking Commission expire on June 30th. Mr. Thorson and Mr. Krabbenhoft are willing to continue their service on the Board and I am, therefore, recommending their reappointments.

Your favorable consideration of these recommendations is greatly appreciated.

RECOMMENDED MOTION: Approve the reappointment of Randy Thorson and Jay Krabbenhoft to the Parking Commission for three-year terms ending June 30, 2023.

mmappt20pc



24

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: EXECUTIVE ASSISTANT KEMBER ANDERSON *KA*

DATE: JUNE 29, 2020

SUBJECT: RESOLUTION RELATING TO CITY COMMISSION MEETINGS AND AGENDAS

Attached is a Resolution adopting rules and regulations relative to the operation of the agenda and the conduct of City Commission meetings. Please read the Resolution carefully and either amend it or confirm these are the rules and regulations we operate under.

RECOMMENDED MOTION: Adopt the Resolution relating to the operation of the City Commission agenda and conduct of City Commission meetings.

Page 77
**Resolution Adopting Rules and Regulations Relative to the Operation of the
Agenda and Conduct of City Commission Meetings:**

WHEREAS, It is desirable that the transaction of City business be done in an orderly fashion; and

WHEREAS, The Board of City Commissioners of the City of Fargo deems it desirable and necessary to promulgate rules and regulations for the guidance of commissioners and citizens.

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Fargo that the following rules and regulations relative to the operation of the agenda and the conduct of City Commission meetings IS HEREBY ADOPTED, superseding any and all former rules and regulations which have been adopted:

I. AGENDA

- A. There shall be one agenda prepared for each meeting.
- B. Any City Commissioner, City employee or citizen of the City may place an item or issue on the agenda.
- C. All agenda items or issues to be qualified for regular consideration must be submitted in clear, articulate and definite terms and must be communicated to the City Commission office prior to 12:00 noon on the Thursday preceding the meeting.
- D. Agenda items must be accompanied by a written explanation of the item. A "suggested" motion must be typed at the end of the communication which states the action being requested of the Board. If the communication is for information purposes only, there should be a statement to that effect at the beginning of the letter.
- E. Any correspondence or other supporting material for any item on the agenda which is intended to become a part of the public records of the City must be received in the City Commission office no later than 12:00 noon on the Thursday preceding the meeting. In the event such material is not submitted to the City Commission office as stated above, such material and the related agenda item shall be stricken and placed on the agenda for the next regular meeting.
- F. Any item or issue placed on the agenda may be removed or withdrawn only by the person who placed it there, or by his or her duly and properly authorized agent.
- G. Any items or issues which have not qualified for the regular agenda under the rules as stated above, or any new and timely issues which arise after preparation of the regular agenda may, with the consent of a majority of the City Commissioners who are present and voting, be considered as an extra item.

Page 78 Ordinances shall be sponsored by a member of the Board of City Commissioners or the City Commission as a whole. Any citizen or City employee desiring any ordinance change shall submit such request to a member of the Board of City Commissioners or to the Commission as a whole. No ordinances shall be drafted by the City Attorney, except upon request of a member of the Board of City Commissioners or by the City Commission as a whole.

- I. The order of the agenda shall be as determined by the Executive Assistant to the Board of City Commissioners utilizing general guidelines as follows:
 - 1. Consent agenda at the beginning of the agenda. The consent agenda shall be non-controversial routine items as may be determined by the Executive Assistant.
 - 2. Non-consent agenda at the end of the agenda. Non-consent items shall be as determined by the Executive Assistant.
- J. The calling and conduct of special meetings shall be in accordance with ordinances of the City of Fargo and laws of the State of North Dakota.

II. RULES GOVERNING CONDUCT OF CITY COMMISSION MEETINGS

- A. Meetings shall be conducted in accordance with Roberts Rules of Order, except that the principle of majority rule shall always prevail, and any such rule may be changed or suspended by a majority vote of the Board of City Commissioners.
- B. At each regular meeting, the first item of business shall be the consideration and approval of the agenda, including the deletion of any item which the Commission deems to be frivolous or repetitious and the addition of requested extra items.
- C. The Mayor or other presiding Commissioner will announce the item on the agenda. It is suggested the person who requested placement of the item on the agenda will then be given up to three (3) minutes to present any additional information not included in the letter. There will be opportunity for input after a motion is made and seconded. Proponents will be recognized first, then opponents. It is suggested persons wishing to speak will be allowed no more than three minutes each. Time for each side will be designated by the Chair. Additional time will be allowed only if Commissioners have questions or if there has been a majority vote to allow additional discussion. The item will be voted upon and no further discussion will be allowed.
- D. Each member of the Board of City Commissioners shall vote on every issue unless absent from the meeting or excused from voting. Any member wishing to be excused from voting, or who does not feel qualified to vote because of a conflict of interest, shall ask to be excused from voting and state the reasons therefore. The remaining Commissioners shall, by majority vote, either grant or deny such request to be excused. If the Commissioner making such request is excused, he or she shall be deemed to be disqualified and the abstention shall

Page 79 not be counted as an aye or nay. If the request is denied and the Commissioner refuses to vote, his or her vote shall be deemed to be the same as the majority of those voting.

- E. The Chairman of the meeting shall not refuse to recognize any member who wishes to make a motion or to be heard on a particular item.
- F. Any on duty police officer may be considered as a sergeant at arms for Commission meetings and may be summoned to maintain order by any member of the Board of City Commissioners at any time.

(25)

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY



DATE: JUNE 29, 2020

SUBJECT: COMMISSION LIAISON ASSIGNMENTS

After careful consideration, I am recommending Commission Liaison assignments outlined in the attachment.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the Commission Liaison assignments as recommended by Mayor Mahoney and attached hereto.

Attachment
mm20lia

FARGO CITY LIAISON ASSIGNMENTS

	<u>GEHRIG</u>	<u>PRESTON</u>	<u>MAHONEY</u>	<u>PIEPKORN</u>	<u>STRAND</u>
DEPARTMENTS:	Enterprise/Utilities Fire Information Services Library Buildings & Grounds	Planning Health	City Commission Finance Human Resources Public Works Police	Engineering Inspections Fargodome Strategic Planning & Research	Health Transit Communications & Public Affairs
COMMITTEES:	Diversion Authority (alternate) Liquor Control Metro COG	Diversion Authority (alternate) Metro COG Metro Area Transit Coordinating Board Renaissance Zone Authority	Ambulance Service Oversight Committee Cass County Planning Commission Community Development Diversion Authority GFMEDC Lake Agassiz Water Authority Position Evaluation Committee Tax Exempt Review Committee Vector Control	Diversion Authority Fargodome Finance GFMEDC Lake Agassiz Water Authority (alternate) Liquor Control Metro COG Position Evaluation Committee Renaissance Zone Authority Tax Exempt Review Committee	Community Development Diversion Authority Metro COG Metro Area Transit Coordinating Board Cass Clay Food Commission
STAFF APPOINTED COMMITTEES:	Utility Committee		Finance Committee Public Works Projects Evaluation Committee Utility Committee	Finance Committee	Traffic Tech Advisory
BOARD LIAISON:	Fargo Youth Initiative Library Board Red River Basin Board	Board of Adjustment Board of Appeals Civil Service Board of Health Historic Preservation		Auditorium Comm. Downtown Community Partnership Fargo Dome Authority Parking Commission Red River Basin Board Special Assessment	Arts and Culture Human Relations Native American Housing Authority Civil Service Airport Authority