FARGO CITY COMMISSION AGENDA
Monday, March 22, 2021 - 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, March 8, 2021).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. 2nd reading and final adoption of the following Ordinances:
   a. Rezoning Certain Parcels of Land Lying in the Proposed Eagle Valley Fourth Addition.
   b. Rezoning Certain Parcels of Land Lying in the Proposed ADOC Addition.
   c. Relating to the Electrical Code.

2. Applications for Games of Chance:
   a. El Zagal Directors Staff for a raffle on 4/24/21.
   b. Fargo North PTSA Post Prom Committee for a raffle on 4/17/21.

3. Agreement with Benjamin Baukol for the Multimedia Designer position in the Communications and Governmental Affairs Department for the term of 3/23/21 to 12/31/21.

4. Agreement with Anthony Arnold for the Engineering Technician I position.

5. Contract Amendment No. 7 with Houston Engineering in the amount of $30,000.00 for Project No. FM-14-0.

6. Submittal of the Notice of Intent.

7. Consent of Owner letter for Amtrak to make improvements to the 4th Street passenger terminal and surrounding area.

8. Amended Engineer's Report for Project No. FM-19-F.

9. Bid advertisement for Project Nos. FM-19-B and FM-19-E.

10. Lease with First Center South, LLC.

11. Electronic Monitoring Services Agreements with Centre, Inc. and Alternative Corrections, Inc.

12. Sole Source Procurement (SSP21069) with Centre, Inc. to extend RFQ16126 for an additional five years, with a contract ending 12/31/25.

13. Application for Appropriation from Civil Asset Forfeiture Fund for the Fargo Police Department Criminal Investigation Fund.

14. Bids rejected for professional auction services (RFP21049), project to be rebid.

15. Extend the Mosquito Spraying Agreement with Airborne Vector Control, LLC for 2021 (RFP18018).

16. Authorization Application for Airborne Vector Control.

17. Sixty-day extension of unpaid leave for Carlos Perez.

18. Bid award for Main Avenue Landscape Maintenance Services Contract (RFP21032).

19. Request for Qualifications for the replacement of the in-ground hoists and repair of the drive over service bay at the Metro Transit Garage (RFQ21072).

20. Task Order No. 4 with AE2S in the amount of $773,600.00 for Project No. WA2005.

21. Bid award for Project No. WA2005.

22. Bills.

23. Negative Final Balancing Change Order No. 1 in the amount of -$3,633.70 for Improvement District No. SL-20-B1.

24. Negative Final Balancing Change Order No. 1 in the amount of -$10,293.50 for Improvement District No. SL-20-C1.

25. Cost Participation, Construction and Maintenance Agreement with the NDDOT (Improvement District No. BN-20-A1).

26. Create Improvement District Nos. BN-21-C, BN-21-G and UN-21-A.

27. Contract and bond for Improvement District No. FP-19-A1 (electrical).

REGULAR AGENDA:

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

29. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
    a. CONTINUE to 4/5/21 – Application to transfer the Class "FA-Golf" Alcoholic Beverage License from Big Erv's Bar and Grill, LLC d/b/a Big Erv's at Rose Creek to Living the Dream, LLC d/b/a Legends at 1500 East Rose Creek Parkway South.

    b. Application for a Class "CW" Alcoholic Beverage License for The White House & Vintage Rental d/b/a The Ivy & Rose Warehouse to be located at 22 14 1/2 Street North; continued from the 2/22/21 Regular Meeting.

    c. Application for a Class "ABH" Alcoholic Beverage License for Aparium Hotel Group, LLC d/b/a Jasper Hotel to be located at 215 Broadway North.

Special Assessments for Sewer Repairs.

e. Street Vacation Plat on a portion of 2nd Street North between 1st Avenue North and 5th Avenue North, including a portion of 4th Avenue North, bounded by portions of the North Dakota R-1 Urban Renewal Addition; approval recommended by the Planning Commission on 6/6/17.

f. Plat of Dedication of 2nd Street North, portions of North Dakota R-1 Urban Renewal Addition, Keeney and Devitt's Second Addition, and portions of vacated 2nd Street North, 4th Avenue North and 5th Avenue North (2nd Street North from 1st Avenue to 5th Avenue North); approval recommended by the Planning Commission on 6/6/17.

g. Zoning Change from SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial on portions of Lots 1, 23 and 24, Block K, Chas A. Roberts Addition (615 9th Avenue South); approval recommended by the Planning Commission on 3/2/21:
   1. 1st reading of rezoning Ordinance.

30. COVID-19 Update:
    a. Fargo Cass Public Health Update.

31. Drought Status Update.

32. 2020 Downtown Fargo Business Improvement District (BID) Overview.

33. Request to schedule Clean-Up Week over a two-week period.

34. 1st reading of an Ordinance Relating to Restrictions on Sale, Service or Dispensing of Alcoholic Beverages.
    a. Recommendation from Commissioner Gehrig for amendments to the Ordinance Relating to Restrictions on Sale, Service or Dispensing of Alcoholic Beverages.

35. Request to develop a Hate Crimes Ordinance.

36. Applications for property tax exemptions for improvements made to buildings:
    a. Mark and Nancy Wolfe, 3113 26th Avenue South (3 year).
    b. Kasey and Anna McNary, 2956 Peterson Parkway North (3 year).
    c. Dennis and Viola Schwind, 1520 37 1/2 Avenue South (3 year).
    d. Neil Gruchalla, 1412 10th Street North (5 year).
    e. Mike and Heidi Klukken, 3410 1st Street North (5 year).
    f. Bruce and Elizabeth Thompson, 1329 10th Street South (5 year).
    g. Brianna and Ryan Miller, 810 9th Avenue North (5 year).

37. Recommendations for appointments and reappointments to the following Boards:
    a. Airport Authority.
    b. Fargo Dome Authority.

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

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

THE CITY OF Fargo FAR MORE

290

AUDITOR'S OFFICE
Fargo City Hall
225 4th Street North
PO Box 2471
Fargo, ND 58108
Phone: 701.241.8108 | Fax: 701.241.8184
www.FargoND.gov

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Jasper Hotel

DATE: March 17, 2021

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

License Class:	ABH Full Alcohol at full service hotel
Business Name:	Jasper Hotel
Location:	215 Broadway North
Applicants:	Mario Tricoci, Howard Silverman, Kylie Brisch

Being no significant concerns, the Liquor Control Board voted to approve the issuance of a Class ABH alcoholic beverage license to Aparium Hotel Group LLC d/b/a Jasper Hotel. The complete application is available for review in the Auditor's Office.

Recommended Motion:
Move to approve the issuance of a Class ABH alcoholic beverage license to Aparium Hotel Group LLC d/b/a Jasper Hotel.

Fargo Police Department

To: Chief David Zibolski

From: Lieutenant Mathew Sanders

Date: February 26th, 2021

RE: Liquor License Application (Jasper Hotel)

Application for a Class "ABH" Alcoholic Beverage License for Aparium Hotel Group, LLC d/b/a: Jasper Hotel to be located at 215 Broadway N.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation I examined the applicant's credit report and public records criminal background.

The following information was discovered through this investigation:

Tricoci, Mario M. – Owner

Criminal History- A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us/) showed no criminal activity. Illinois does not have a free option to search public records.

Credit History- Mario Tricoci's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Silverman, Howard S. – Owner

Criminal History- A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us/) showed no criminal

activity. Illinois does not have a free option to search public records.

Credit History- Howard Silverman's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Brisch, Kylie M. – Manager

Criminal History- A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov), Minnesota public records (https://chs.state.mn.us/) and Wisconsin public records (https://wcca.wicourts.gov/) showed no criminal activity.

Investigation Notes

This application is for a class "ABH" Alcoholic Beverage License which allows the licensee to sell alcohol "on sale" or "off sale" at hotels with 100 or more guest rooms only. A physical bar is allowed and food sales are not required. The Jasper Hotel will have an event center which will cater towards weddings and similar type events. The investigation into the criminal and credit history of the applicants did not find any issues related to criminal activity or problems with their credit.

On 2/24/2021 I contacted applicant Howard Silverman with a few follow-up questions. He stated he could get me the answers to my questions but he would prefer I call applicant Mario Tricoci. Mr. Silverman stated he is a silent owner and does not deal with the operations of the establishment.

On 2/26/2021 I spoke with applicant Mario Tricoci by telephone. The application indicates the employees are required to go through "Training for Inventions ProcedureS (TIPS)" to ensure their employees are equipped with the knowledge of responsible service, sale and consumption of alcohol on the property. I verified with Mr. Tricoci that this was a typographical error on the application. The actual program is "Training for Intervention ProcedureS."

Fargo Police Department

The TIPS program website advertises itself as "a dynamic, skills-based training program designed to prevent intoxication, drunk driving and underage drinking by enhancing the fundamental 'people skills' of servers, sellers and consumers of alcohol."

Mr. Tricoci verified the spelling of the manager's first name as "Kylee." The hand-written name on the application was not completely legible. I verified the spelling to ensure my public records criminal history search was done using the valid name.

Mr. Tricoci stated the hotel will have 125 rooms.

Business Location

The Jasper Hotel will be located at 215 Broadway, Fargo, ND. Other businesses in the area with an alcoholic beverage license include: The Toasted Frog, Dempsey's and the VFW.

Conclusion

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

RECEIVED
FARGO POLICE DEPARTMENT
MAR 03 2021
DAVID B ZIBOLSKI
CHIEF OF POLICE
REF: L.C.B.

+ Approved

Received 2/24/2021
DC Anderson
Ref: Chief Zibolski

290d

NOTICE OF HEARING FOR SPECIAL ASSESSMENT OF SEWER REPAIRS

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for Sewer Repairs provided in the list below, on Monday, March 22, 2021, at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Parcel No	Parcel Address	Assessment
01-3100-00800-000	2410 10 ST N	4,800.00
01-1270-01210-000	906 18 ST S	8,000.00
01-0700-00880-000	1345 2 AVE S	12,500.00
01-1640-01920-000	1132 14 ST N	9,500.00
01-3100-00710-000	2301 10 ST N	13,500.00
01-1270-01290-000	1001 18 ST S	14,750.00
01-1160-02450-000	1045 BROADWAY N	12,750.00
01-0067-00500-000	2608 PACIFIC DR S	7,500.00
01-0980-00890-000	1549 2 AVE S	18,000.00
01-2340-01310-000	1427 3 AVE N	14,773.35
01-0540-01010-000	1425 9 AVE S	20,278.00
01-1270-01310-000	1009 18 ST S	8,000.00
01-0560-01980-000	1017 15 ST S	8,000.00
01-0161-00340-000	1706 14 ST S	5,137.50
01-3260-00640-000	807 1 ST N	13,625.00
01-0780-01520-000	1204 10 ST S	19,250.00
01-8743-00020-000	702 31 ST N	7,742.00
01-1890-01480-000	89 16 AVE N	9,650.00
01-0980-01120-000	212 15 ST S	10,662.50
01-1200-00360-000	1217 21 ST S	9,500.00
01-0700-01770-000	1426 3 AVE S	17,100.00
01-3080-00350-000	2218 9 ST N	9,331.25
01-1620-00570-000	908 UNIVERSITY DR N	13,250.00
01-2860-01360-000	2817 11 ST S	11,465.00
01-2140-00720-000	517 10 ST S	14,000.00
01-0380-03130-000	1638 BROADWAY N	3,750.00
01-0060-00140-000	1706 1 AVE S	16,887.50
01-0780-00170-000	1112 UNIVERSITY DR S	13,700.00
01-2120-00660-000	86 24 AVE N	15,500.00
01-2840-00212-000	1443 23 ST S	2,000.00
01-1270-01190-000	914 18 ST S	8,000.00
01-0065-00750-000	1667 AMERICAN WAY S	10,000.00
01-2700-00030-000	1017 PARK DR S	8,250.00
01-0980-01290-000	1541 3 AVE S	14,000.00
01-1120-00870-000	730 11 ST N	17,500.00
01-0980-01580-000	1601 3 AVE S	14,000.00
01-2120-00390-000	98 23 AVE N	12,425.00
01-1360-00520-000	1326 4 ST N	12,125.00

01-0163-02750-000	1902 15 ST S	13,850.00
01-1460-00010-000	1801 17 ST S	8,000.00
01-0560-00090-000	1521 7 AVE S	18,000.00
01-1200-00300-000	1206 21 ST S	9,500.00
01-2500-00080-000	1322 6 AVE S	13,750.00
01-1270-01150-000	1006 18 ST S	8,750.00
01-3080-00520-000	2201 9 ST N	11,000.00
01-1760-00900-000	714 ELM ST N	14,000.00
01-0340-00340-000	1602 4 AVE S	4,000.00
01-1270-01100-000	1026 18 ST S	14,750.00
01-0020-00070-000	1325 10 AVE S	12,200.00
01-0020-01200-000	1437 12 AVE S	11,350.00
01-0780-00940-000	1105 6 ST S	8,000.00
01-3140-00040-000	1315 10 AVE S	7,000.00
01-2400-01730-000	824 9 ST S	8,000.00
01-1760-00350-000	707 2 ST N	15,790.62
01-0560-01760-000	1507 10 AVE S	9,750.00
01-1270-00200-000	606 21 ST S	16,250.00
01-0163-02740-000	1906 15 ST S	9,425.00
01-2040-03280-000	1426 14 ST S	8,000.00
01-2240-03340-000	915-917 4 AVE S	13,090.00
01-1130-00850-000	920 9 ST N	20,375.00
01-2400-00600-000	1022 7 AVE S	9,556.00
01-0980-00810-000	1530 1 AVE S	13,500.00
01-0280-00440-000	1522 12 ST S	12,687.50
01-2220-00870-000	1246 7 ST N	4,500.00
01-4100-00120-000	415 9 AVE S	23,600.00
01-2100-00390-000	1622 5 ST N	14,375.00
01-1160-00140-000	1140 5 ST N	14,000.00
01-2400-02990-000	916 7 ST S	16,000.00
01-4100-00670-000	927 4 ST S	18,500.00
01-1160-01110-000	1145 1 ST N	9,800.00
01-3300-00360-000	518 19 ST N	9,500.00
01-0020-00060-000	1329 10 AVE S	19,250.00
01-0060-00380-000	1641 3 AVE S	16,250.00
01-0440-00540-000	1114 8 ST N	10,625.00
01-0020-01560-000	1226 14 ST S	9,850.00
01-0700-00660-000	1428 1 AVE S	11,075.00
01-2400-02840-000	712 9 AVE S	10,625.00
01-1270-01540-000	921 19 ST S	10,212.50
01-4100-01010-000	422 10 AVE S	14,750.00
01-0780-01050-000	1112 6 ST S	15,501.00
01-1270-00190-000	602 21 ST S	16,250.00
01-0980-00630-000	1622 1 AVE S	17,000.00
01-2120-00370-000	106 23 AVE N	12,575.00
01-4140-00190-000	913 5 ST N	13,300.00
01-0380-00360-000	1545 8 ST N	12,000.00
01-0340-00160-000	1540 3 AVE S	16,100.00
01-2140-00860-000	914 5 AVE S	8,500.00
01-4100-00780-000	340 9 AVE S	17,000.00

01-8743-00010-000	704 31 ST N	7,742.00
01-0161-00460-000	1741 14 ST S	11,825.00
01-0020-00500-000	1330 10 AVE S	16,325.00
01-2040-00580-000	1337 14 ST S	12,500.00
01-0440-00430-000	1135 8 ST N	15,500.00
01-1270-01300-000	1005 18 ST S	8,750.00
01-1270-00210-000	610 21 ST S	16,250.00

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to March 21, 2021, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.

City Auditor's Office
(February 17 & February 24, 2021- Legals)

INSTRUCTIONS TO THE FORUM

Please publish on Wednesday, February 17 & February 24, 2021 – Legals.

I will need an affidavit of publication.

Bill to: CITY AUDITOR'S OFFICE
ATTN MICHELLE
P.O. BOX 2471
FARGO ND 58107

If you have any questions, please call 241-1301.
Steve Sprague

29e

City of Fargo Staff Report			
Title:	North Dakota R-1 Urban Renewal Addition--Vacation of 2nd Street North Right of Way	**Date:** **Updated:**	6/1/2017 3/18/2021
Location:	Former route of 2nd Street North between 1st Avenue North and 5th Avenue North	**Staff Contact:**	Donald Kress, senior planner
Legal Description	A portion of 2nd Street North between 1st Avenue and 5th Avenue North, including a portion of 4th Avenue North, bounded by portions of the North Dakota R-1 Urban Renewal Addition		
Owner(s)/Applicant:	City of Fargo; Cass County Joint Water Resource District; Fargo Park District	**Engineer:**	Houston Engineering for City of Fargo
Reason for Request:	Street Vacation (a vacation plat of a portion of 2nd Street North between 1st Avenue and 5th Avenue North, including a portion of 4th Avenue North, bounded by portions of the North Dakota R-1 Urban Renewal Addition).		
Status:	City Commission Public Hearing: March 22, 2021		

Proposal:

PROJECT HISTORY NOTE: This item (vacation of a portion of the 2nd Street North right of way) and the next agenda item (dedication of a portion of the 2nd Street North right of way) are the final steps in the re-routing of 2nd Street North to support permanent flood protection along this corridor in conjunction with the FM Diversion. The primary purpose of this re-route was to allow for the construction of the permanent flood protection but it also provided a secondary benefit by creating additional distance between 2nd Street and the Red River. This additional distance has allowed for additional park area and multi-use trails to be constructed along the river. This re-routing was completed in 2017. The graphics below depict the previous route and the current route of 2nd Street North.

Previous route of 2nd St. North (red line)
2014 photo

Area under construction (circled)
2016 photo

Current route of 2nd St. North (red line)
2020 photo

The applicant, the City of Fargo, is seeking approval of a vacation plat of 2nd Street North between 1st Avenue and 5th Avenue North, including a portion of 4th Avenue North, bounded by portions of the North Dakota R-1 Urban Renewal Addition City of Fargo, Cass County, North Dakota.

This portion of right-of-way does not have sanitary sewer and storm sewer located within the right-of-way.

In the time between the Planning Commission review of this project in 2017 and the hearing at the City Commission, City staff was determining the best location to have the right-of-way located on the north end of the project so that the retaining wall on the west side of the road will be able to be properly maintained in the future with no impacts to adjoining properties.

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

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial and MR-3, Multi-Dwelling Residential, with warehouse and apartment uses
- East: DMU, Downtown Mixed-Use, with park use
- South: DMU, Downtown Mixed-Use, with parking lot and office uses
- West: DMU, Downtown Mixed-Use, with warehouse, office, parking lot, and civic uses.

Context:

Neighborhood: Downtown

Schools: The subject property is located within the Fargo School District including Roosevelt Elementary, Ben Franklin Middle and North High School.

Parks: Island Park (302 7th Street S) is located approximately one-half mile southwest of the subject property and provides grill, handball, picnic table, playground, rental, restroom, tennis, and wedding amenities.

Recreation Trails: There is a bike trail on the east side of the 2nd Street floodwall, that is part of the metro-wide trail system.

Staff Analysis:

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C.

> ***N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality's grantees of the right of way thereof, may be vacated unless the sewers,***

mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

This portion of right-of-way does not contain any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines.
(Criteria Satisfied)

N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.

In accordance with the requirement of this section, a petition signed by all adjacent owners has been submitted for review and consideration, along with a plat of such public street. **(Criteria Satisfied)**

N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.

The vacation plat has been advertised as required by this section prior to the hearing before the City Commission (the City's governing body). **(Criteria Satisfied)**

N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

This action will be taken by the City Commission at the March 22, 2021 City Commission meeting.
(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to approve the **North Dakota R-1 Urban Renewal Addition (2nd Street North)** street vacation plat as presented; as the proposal complies with the F-M Diversion project and North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places."

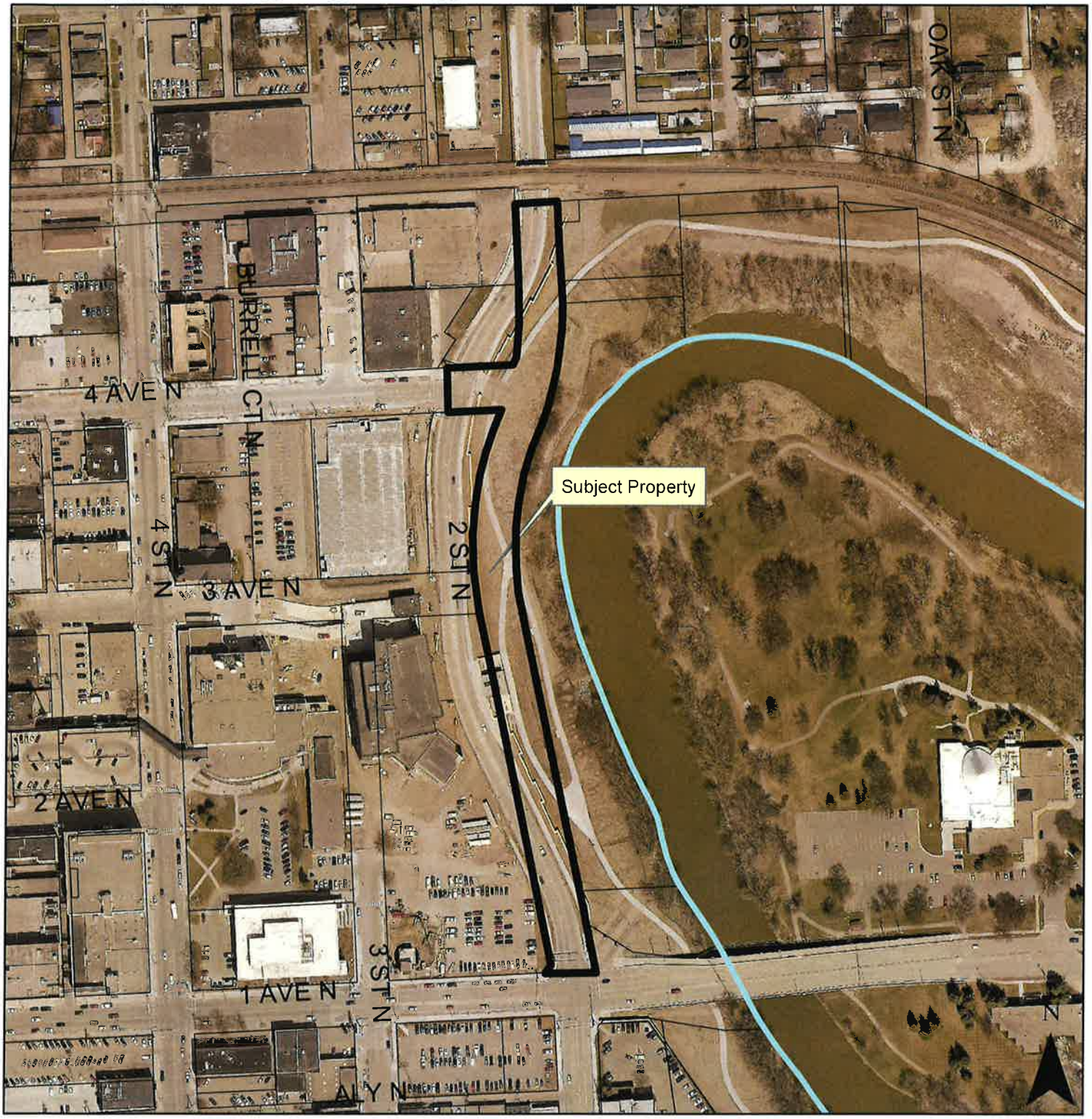
(continued on next page)

Planning Commission Recommendation: June 6, 2017
At the June 6, 2017 Planning Commission, by a vote of 6-0 with four Commissioners absent and one Commission seat vacant, moved to recommend approval to the City Commission of the **North Dakota R-1 Urban Renewal Addition (2nd Street North)** street vacation plat as presented; as the proposal complies with the F-M Diversion project and North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places.
Attachments:
1. Zoning Map **2.** Location Map **3.** Vacation Plat

Plat (Vacation)

North Dakota R-1 Urban Renewal Addition

2nd Street North
from 1st Ave N to 5th Ave N



THE CITY OF Fargo FAR MORE

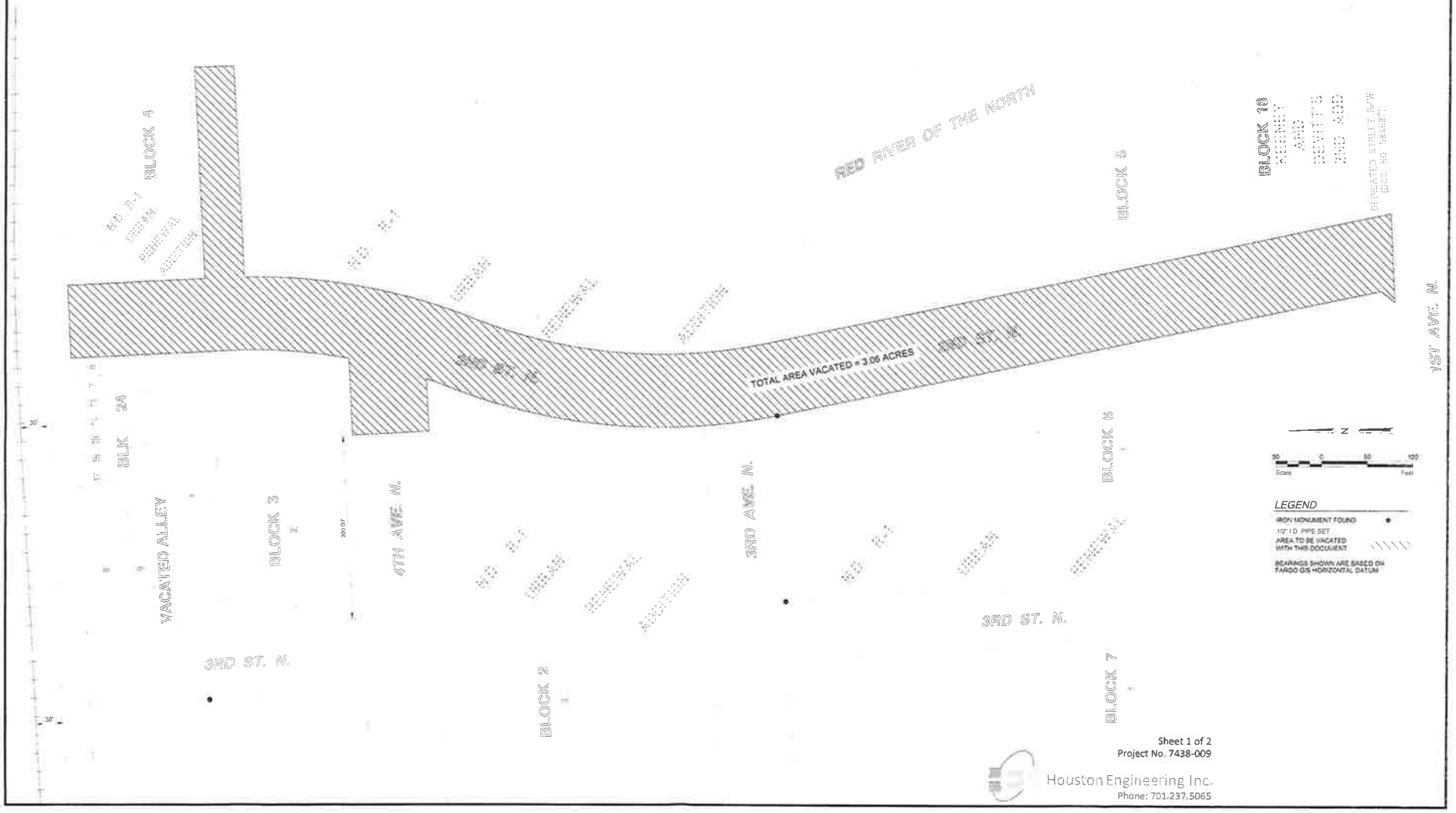
300 Feet

Fargo Planning Commission
June 6, 2017

VACATION PLAT

OF PORTIONS OF 2ND STREET NORTH, 4TH AVENUE NORTH AND PUBLIC RIGHT-OF-WAY BETWEEN BLOCKS 4 AND 5, NORTH DAKOTA R-1 URBAN RENEWAL ADDITION

IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



Sheet 1 of 2
Project No. 7438-009

Houston Engineering Inc.
Phone: 701.237.5065

H:\JB\7400\7438\2_7438_009013-ROW Surveying for WP42\CAD\Plat\Vacation Plat- 2nd St N dwg-PLAT1-1-1 (12/2021 12:21 PM) (ashoun)

VACATION PLAT

OF PORTIONS OF 2ND STREET NORTH, 4TH AVENUE NORTH AND PUBLIC RIGHT-OF-WAY BETWEEN BLOCKS 4 AND 5, NORTH DAKOTA R-1 URBAN RENEWAL ADDITION IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

DESCRIPTION- AREA TO BE VACATED:

All of 2nd Street North, bounded on the south by the easterly extension of the south line of Block 6, North Dakota R-1 Urban Renewal Addition, and bounded on the north by the westerly extension of the north line of Block 4, North Dakota R-1 Urban Renewal Addition; together with 4th Avenue North between Blocks 2 And 3, North Dakota R-1 Urban Renewal Addition, less the west 200 feet thereof, in the City of Fargo, Cass County, North Dakota.

OWNERS' CERTIFICATE:

The Park District of the City of Fargo and the City of Fargo certify that they are the owners of the property adjoining the area to be vacated and that this plat and description are correct.

OWNER:

City of Fargo

_____ Attest: _____

Timothy J. Mahoney, Mayor — Steven Sprague, Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

OWNER:

The Park District of the City of Fargo

_____ Attest: _____

Stacey Griggs, President — ~~Jeff Gunkelman~~, Clerk Dave Leker

State of North Dakota)
) ss
County of Cass)

TARA L HEGER
Notary Public
State of North Dakota
My Commission Expires Mar 1, 2023

On this 22nd day of February, 20 21, before me personally appeared Stacey Griggs, President of the Park District of the City of Fargo; and ~~Jeff Gunkelman~~ Dave Leker, Clerk of the Park District of the City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of said park district.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, James A. Schlieman, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the area vacated.

Dated this 20th day of January, 20 21

_____

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

On this 20th day of January, 20 21 before me personally appeared James A. Schlieman, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

MAGGIE KEELER
Notary Public
State of North Dakota
My Commission Expires July 15, 2021

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this 11th day of February, 2021

_____

Brenda E. Derrig, City Engineer

State of North Dakota)
) ss
County of Cass)

On this 11th day of February, 2021 before me personally appeared Brenda E. Derrig, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: _____

CARSI GAUCH
Notary Public
State of North Dakota
My Commission Expires Oct 12, 2021

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission this 6th day of June, 20 17

_____

John Gunkelman, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

On this 12th day of February, 20 21, before me personally appeared John Gunkelman, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

MIRANDA WOLF
Notary Public
State of North Dakota
My Commission Expires Feb. 18, 2022

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____.

_____

Timothy J. Mahoney, Mayor

Attest: _____

Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

Sheet 2 of 2
Project No. 7438-009

Houston Engineering Inc.
Phone: 701.237.5065

H:\JB\07\4807\438\12_7438_009\13 ROW Surveying for WP\2\CAD\Plat\Vacation Plat- 2nd SLN.dwg PLAT2, 1/19/2021 1:23 PM, (phanson)

29f

City of Fargo Staff Report			
Title:	2nd Street North Dedication	**Date:** **Updated:**	6/1/2017 3/18/2021
Location:	Current route of 2nd Street North between 1st Avenue North and 5th Avenue North	**Staff Contact:**	Donald Kress, senior planner
Legal Description:	Portions of North Dakota R-1 Urban Renewal Addition, Keeney and Devitt's Second Addition and portions of vacated 2nd Street North, 4th Avenue North, and 5th Avenue North		
Owner(s)/Applicant:	City of Fargo; Cass County Joint Water Resource District	**Engineer:**	Houston Engineering for City of Fargo
Entitlements Requested:	**Dedication of right of way—major subdivision** (dedication of Portions of North Dakota R-1 Urban Renewal Addition, Keeney and Devitt's Second Addition and portions of vacated 2nd Street North, 4th Avenue North, and 5th Avenue North to the City of Fargo, Cass County, North Dakota)		
Status:	City Commission Public Hearing: March 22, 2021		

Proposal:

PROJECT HISTORY NOTE: This item (dedication of a portion of the 2nd Street North right of way) and the previous agenda item (vacation of a portion of the 2nd Street North right of way) are the final steps in the re-routing of 2nd Street North to support permanent flood protection along this corridor in conjunction with the FM Diversion. The primary purpose of this re-route was to allow for the construction of the permanent flood protection but it also provided a secondary benefit by creating additional distance between 2nd Street and the Red River. This additional distance has allowed for additional park area and multi-use trails to be constructed along the river. This re-routing was completed in 2017. The graphics below depict the previous route and the current route of 2nd Street North.

Previous route of 2nd St. North (red line)
2014 photo

Area under construction (circled)
2016 photo

Current route of 2nd St. North (red line)
2020 photo

The applicant, City of Fargo, is seeking approval of a dedication plat of 2nd Street North between 1st Avenue and 5th Avenue North.

In the time between the Planning Commission review of this project in 2017 and the hearing at the City Commission, City staff was determining the best location to have the right-of-way located on the north end of the project so that the retaining wall on the west side of the road will be able to be properly maintained in the future with no impacts to adjoining properties.

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

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial and MR-3, Multi-Dwelling Residential, with warehouse and apartment uses
- East: DMU, Downtown Mixed-Use, with park use
- South: DMU, Downtown Mixed-Use, with parking lot and office uses
- West: DMU, Downtown Mixed-Use, with warehouse, office, parking lot, and civic uses.

Context:

Neighborhood: Downtown

Schools: The subject property is located within the Fargo School District including Roosevelt Elementary, Ben Franklin Middle and North High School.

Parks: Island Park (302 7th Street S) is located approximately one-half mile southwest of the subject property and provides grill, handball, picnic table, playground, rental, restroom, tennis, and wedding amenities.

Recreation Trails: There will is a bike trail on the east side of the 2nd Street floodwall, that is part of the metro-wide trail system.

Staff Analysis:

A plat dedicating right of way is considered a major subdivision, though no lots are created by this plat.

Subdivision

The LDC stipulates that the following criteria is 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 area dedicated for street right of way by this plat is not developable land. The relocation of 2nd Street North, including this dedication, is part of the F-M Diversion plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no public comment. **(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 area dedicated for street right of way by this plat is not developable land. The relocation of 2nd Street North, including this dedication, are part of the F-M Diversion plan. 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.**
Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.
(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to approve the proposed **2nd Street North Dedication** plat as presented; as the proposal complies with the F-M Diversion project, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: June 6, 2017

At the June 6, 2017 Planning Commission, by a vote of 6-0 with four Commissioners absent and one Commission seat vacant, moved to recommend approval to the City Commission of the **2nd Street North Dedication** plat as presented; as the proposal complies with the F-M Diversion project, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC."

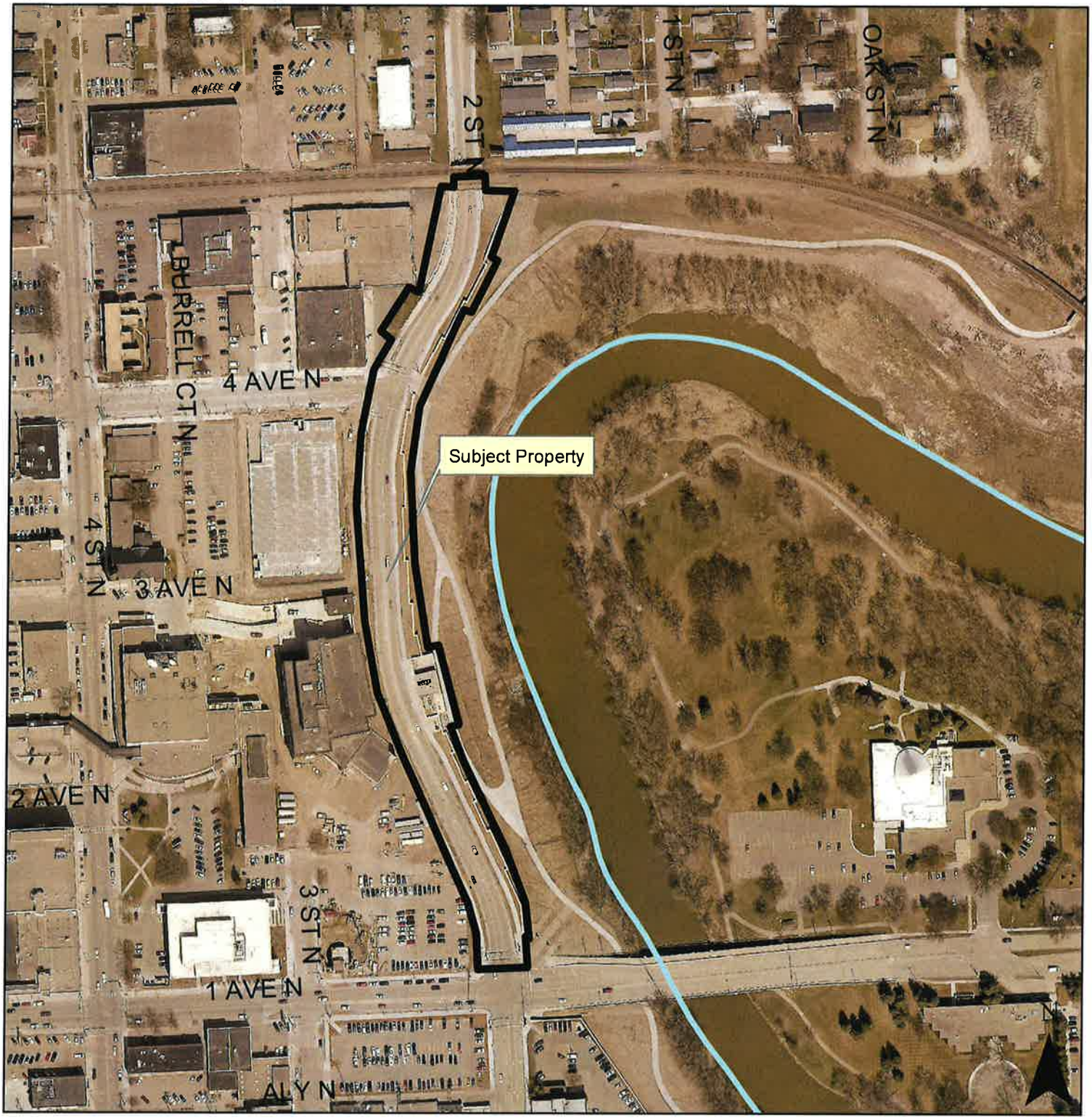
Attachments:

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

Plat (Major)

Dedication Plat of 2nd Street

2nd Street North
from 1st Ave N to 5th Ave N



THE CITY OF Fargo FAR MORE

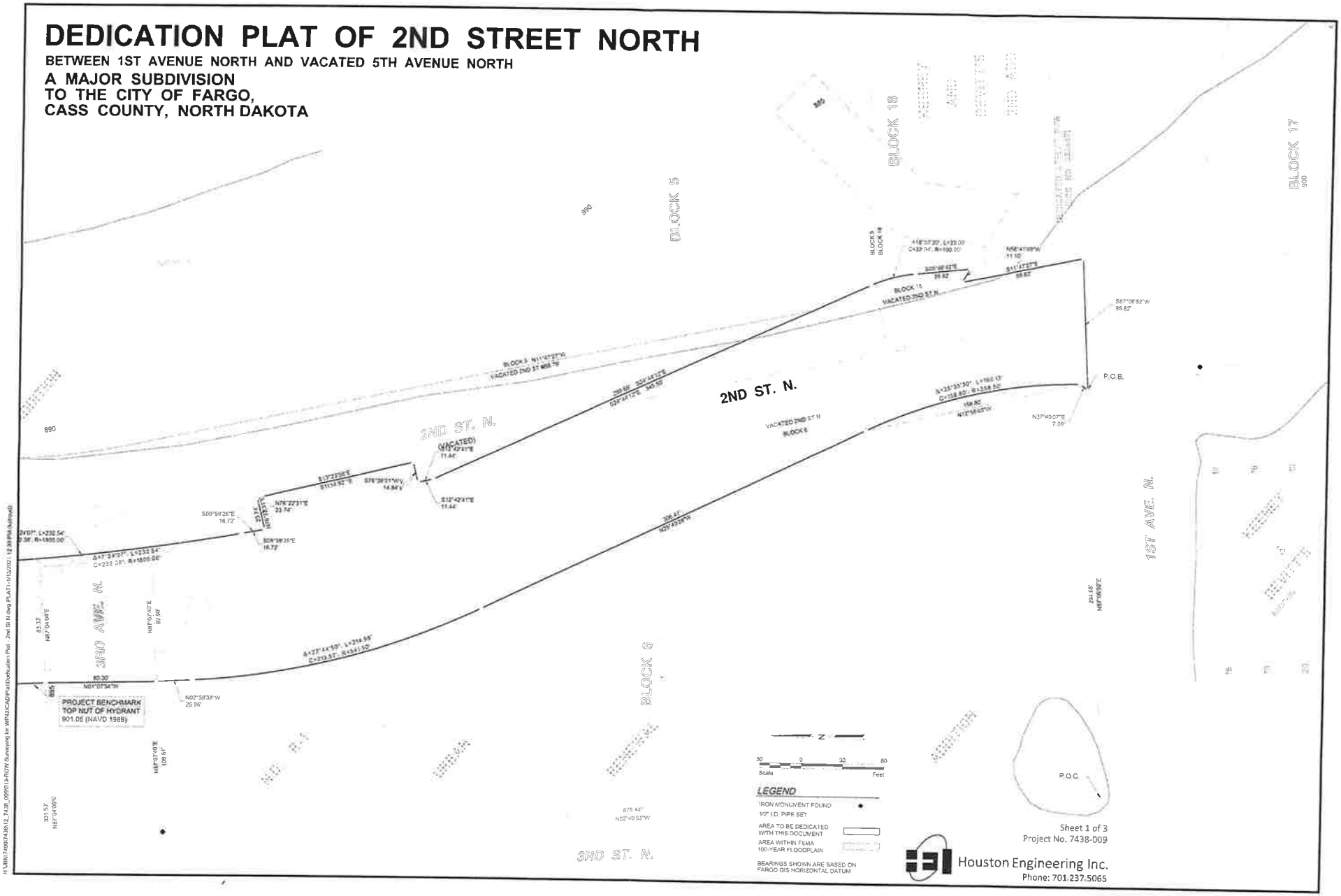
300 Feet

Fargo Planning Commission
June 6, 2017

DEDICATION PLAT OF 2ND STREET NORTH

BETWEEN 1ST AVENUE NORTH AND VACATED 5TH AVENUE NORTH

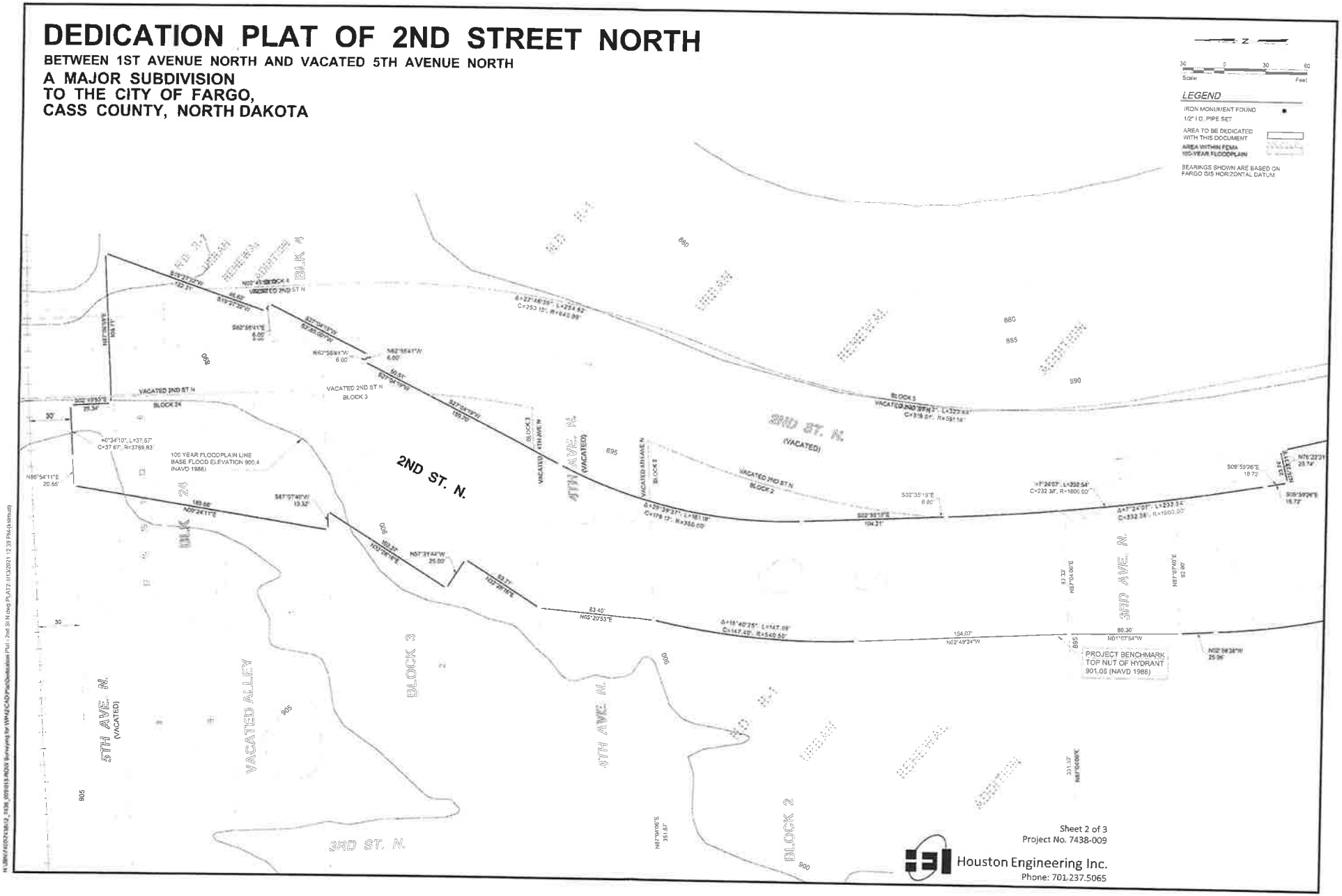
A MAJOR SUBDIVISION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



DEDICATION PLAT OF 2ND STREET NORTH

BETWEEN 1ST AVENUE NORTH AND VACATED 5TH AVENUE NORTH

A MAJOR SUBDIVISION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



Sheet 2 of 3
Project No. 7438-009

Houston Engineering Inc.
Phone: 701.237.5065

DEDICATION PLAT OF 2ND STREET NORTH

BETWEEN 1ST AVENUE NORTH AND VACATED 5TH AVENUE NORTH

A MAJOR SUBDIVISION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE:
KNOW ALL PERSONS BY THESE PRESENTS: That the City of Fargo, a North Dakota municipal corporation, and Park District of the City of Fargo, a park district under the laws of the State of North Dakota, are the owners and proprietors of portions of Blocks 2, 3, 4, 5 and 6, North Dakota R-1 Urban Renewal Addition, a portion of Block 18, Keeney and Devitt's Second Addition, and a portion of Block Twenty-four, Keeney's Subdivision of Certain Lots in Portions of Block Nos. Thirty-two, Thirty, Twenty-four, Twenty-five, Twenty-six, Twenty, and Nineteen, in Keeney and Devitt's Second Addition, and vacated portions of 2nd Street North, 4th Avenue North and 5th Avenue North, all being situated in the City of Fargo, Cass County, North Dakota, and being more particularly described as follows:

Commencing at the southwest corner of said Block 6; thence North 87°06'52" East, along the southerly line of said Block 6, for a distance of 294.66 feet to the true point of beginning; thence North 37°40'07" East for a distance of 7.09 feet to a point on a non-tangential curve, being concave to the west and having a radius of 358.50 feet; thence northerly along said curve for a distance of 160.13 feet, through a central angle of 25°35'30", said curve having a chord bearing of North 12°55'43" West; thence North 25°43'28" West for a distance of 306.41 feet to a point of tangential curve to the right, having a radius of 541.50 feet; thence northerly along said curve, for a distance of 214.98 feet, through a central angle of 22°44'50"; thence North 02°58'38" West for a distance of 25.96 feet to a point of intersection with the northerly line of said Block 6; thence North 01°07'54" West for a distance of 80.30 feet, to a point of intersection with the southerly line of said Block 2; thence North 03°49'24" West for a distance of 154.07 feet to a point of tangential curve to the right, having a radius of 540.50 feet; thence northerly along said curve, for a distance of 147.85 feet, through a central angle of 15°40'25" to a point of intersection with the northerly line of said Block 2; thence North 05°20'53" East, not tangent to the last described curve, for a distance of 83.40 feet to a point of intersection with the southerly line of said Block 3; thence North 32°28'16" East for a distance of 83.71 feet; thence North 57°31'44" West for a distance of 25.00 feet; thence North 32°28'16" East for a distance of 102.27 feet; thence South 87°07'46" West for a distance of 13.32 feet; thence North 09°24'11" East for a distance of 165.68 feet to a point of intersection with a line that is 30.00 feet southerly of and parallel with the centerline of an existing railroad track; thence North 86°54'11" East along said line, for a distance of 20.85 feet to a point of tangential curve to the right, having a radius of 3789.83 feet; thence easterly along said curve and parallel with said railroad centerline, for a distance of 37.67 feet, through a central angle of 00°34'10" to a point of intersection with the northerly extension of the easterly line of said Block 24; thence South 02°49'53" East, not tangent to the last described curve and along said northerly extension, for a distance of 29.34 feet to a point of intersection with the westerly extension of said Block 4; thence North 87°06'59" East, along said westerly extension and along the northerly line of said Block 4, for a distance of 108.71 feet; thence South 19°27'32" West for a distance of 122.31 feet; thence South 62°55'41" East for a distance of 6.00 feet; thence South 27°04'19" West for a distance of 80.00 feet; thence North 62°55'41" West for a distance of 6.00 feet; thence South 27°04'19" West for a distance of 159.70 feet to a point of tangential curve to the left, having a radius of 350.00 feet; thence southerly along said curve for a distance of 181.18 feet, through a central angle of 29°39'37"; thence South 02°35'19" East for a distance of 104.21 feet to point of tangential curve to the left, having a radius of 1600.00 feet; thence southerly along said curve for a distance of 232.54 feet, through a central angle of 07°24'07"; thence South 09°59'26" East for a distance of 16.72 feet; thence North 76°22'31" East for a distance of 23.74 feet; thence South 13°23'59" East for a distance of 114.62 feet; thence South 76°36'01" West for a distance of 14.84 feet; thence South 12°42'41" East for a distance of 11.44 feet; thence South 24°44'12" East for a distance of 345.55 feet to a point of tangential curve to the right, having a radius of 100.00 feet; thence southerly along said curve for a distance of 33.09 feet, through a central angle of 18°57'30"; thence South 05°46'42" East for a distance of 39.82 feet to a point of intersection with the northerly line of 1st Avenue North; thence North 58°41'49" West, along the northerly line of said 1st Avenue North, for a distance of 11.10 feet to a point of intersection with the westerly line of said Block 18; thence South 11°47'27" East, along the westerly line of said Block 18, for a distance of 89.82 feet to the southwest corner of said Block 18 and a point on the easterly extension of the southerly line of said Block 6; thence South 87°06'52" West, along said easterly extension and along the southerly line of said Block 6, for a distance of 95.62 feet to the true point of beginning.

Said tract of land contains 3.825 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **Dedication Plat of 2nd Street North** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the public street shown on this plat.

OWNER- CITY OF FARGO
(Part of Block 4, North Dakota R-1 Urban Renewal Addition and East Half of adjacent vacated 2nd Street North)

(Portions of Blocks 2, 3, 4 and 6, North Dakota R-1 Urban Renewal Addition, a portion of Block Twenty-four, Keeney's Subdivision of Certain Lots in Portions of Block Nos. Thirty-two, Thirty, Twenty-four, Twenty-five, Twenty-six, Twenty, and Nineteen, in Keeney and Devitt's Second Addition, and portions of vacated 2nd Street North, 4th Avenue North and 5th Avenue North)

_____ Attest: _____
Timothy J. Mahoney, Mayor Steven Sprague, Auditor

State of North Dakota)
) ss
County of Cass)

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

OWNER- PARK DISTRICT OF THE CITY OF FARGO
(Block 5, North Dakota R-1 Urban Renewal Addition, part of Block 18, Keeney & Devitt's Second Addition, and East Half of adjacent vacated 2nd Street North)

Stacey Griggs, President Attest: Dave Leker, Clerk
Board of Park Commissioners

State of North Dakota)
) ss
County of Cass)

TARA L. NEGEN
Notary Public
State of North Dakota
My Commission Expires Mar. 1, 2022

On this 22nd day of February, 20 21 before me personally appeared Stacey Griggs, President of the Board of Park Commissioners; and Dave Leker, Clerk of the Park District of the City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the Park District of the City of Fargo.

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

Dated this 18th day of January, 20 21

James A. Schlieman, Professional Land Surveyor No. 5086

REGISTERED LAND SURVEYOR JAMES A. SCHLIEMAN LS-5086 NORTH DAKOTA

State of North Dakota)
) ss
County of Cass)

On this 19th day of January, 20 21 before me personally appeared James A. Schlieman, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

BRIDGET KOSLER
Notary Public
State of North Dakota
My Commission Expires July 15, 2023

CITY ENGINEER'S APPROVAL:
Approved by the Fargo City Engineer this 11th day of February, 20 21

Brenda E. Derrig, City Engineer

BRENDA E. DERRIG PE 5813 NORTH DAKOTA

State of North Dakota)
) ss
County of Cass)

On this 11th day of February, 20 21 before me personally appeared Brenda E. Derrig, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: _____

BRIDGET KOSLER
Notary Public
State of North Dakota
My Commission Expires Oct. 11, 2023

FARGO PLANNING COMMISSION APPROVAL:
Approved by the City of Fargo Planning Commission this 16th day of June, 20 17

John Gunkelman, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

On this 26th day of February, 20 21, before me personally appeared John Gunkelman, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public: Miranda Wolf

MIRANDA WOLF
Notary Public
State of North Dakota
My Commission Expires Feb. 14, 2021

FARGO CITY COMMISSION APPROVAL:
Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

Sheet 3 of 3
Project No. 7438-009

Houston Engineering Inc.
Phone: 701.237.5065

H:\JBN\7400\7438\2_009013-ROW Surveying for WP\ACAD\Plat\Dedication Plat - 2nd St N.dwg PLAT3-H 1/3/2021 12:40 jbn\auto

29g

City of Fargo Staff Report			
Title:	Chas A. Roberts Addition	**Date:**	3/18/2021
Location:	615 9th Avenue South	**Staff Contact:**	Maggie Squyer
Legal Description:	Parts of Lots 1, 23 and 24, Block K, Chas A. Roberts Addition		
Owner(s)/Applicant:	Paul & Kathryn Anderson	**Engineer:**	N/A
Entitlements Requested:	**Zone Change** (from SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial)		
Status:	City Commission Public Hearing: March 22, 2021		

Existing		Proposed
Land Use: Retail Sales and Services		**Land Use:** Unchanged
Zoning: SR-3, Single-Dwelling Residential		**Zoning:** NC, Neighborhood Commercial
Historic Overlay District: Chas A. Roberts		**Historic Overlay District:** Unchanged
Uses Allowed: SR-3 allows detached housing, attached housing, duplexes, group living restricted residency, day care facilities of limited size, parks and open areas, religious institutions, safety services, schools, basic utilities, and limited telecommunications facilities.		**Uses Allowed:** NC allows detached housing, attached housing, duplexes, multi-dwelling structures, community service, day care facilities of limited size, parks and open areas, religious institutions, safety services, basic utilities, offices, retail sales and services, and limited telecommunications facilities.
Maximum Building Coverage Allowed in SR-3: 40%		**Dimensional Standards of the NC zoning district are influenced by adjacent zoning districts**

Proposal:

The applicant is seeking approval of a Zoning Map Amendment to change the subject property from SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial. The proposed low-intensity commercial zoning district reflects the recent use of the property as a stained glass workshop as well as the future use of the property as an antique furniture consignment and repair shop. The business owner anticipates that customers will spend only 10-15 minutes dropping-off or collecting furniture from the shop, with the occasional customer stopping to purchase refinished, antique furniture.

In August of 2000, a variance was granted for a building addition on the rear of the existing structure, which eliminated any area available for off-street parking. In 2013, a second variance was granted that allowed the owner to reconstruct a portion of the existing shop, maintaining the original building footprint. The building fronts 9th Avenue South, which is subject to seasonal parking restrictions from November 1st- April 15th but allows parking on both sides of the street from April 16th- October 31st. The property owner is aware of these restrictions, which were established prior to the approval of both variances.

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

Surrounding Land Uses and Zoning Districts:

- North: MR-2, Multi-Dwelling Residential with an apartment building
- East: SR-3, Single-Dwelling Residential with a detached house
- South: SR-3, Single Dwelling Residential with a detached house
- West: SR-3, Single-Dwelling Residential with an apartment building

Area Plans:

The subject property is located in the Hawthorne Neighborhood, which is currently under evaluation as part of the Core Neighborhoods Plan.

Context:

Neighborhood: The subject property is located within the Hawthorne Neighborhood.

Schools: The subject property is located within the Fargo Public School District and is served by Clara Barton Hawthorne Elementary, Ben Franklin Middle and North High schools.

Parks: Island Park (302 7th Street South) and Dill Hill Park (652 6th Avenue South) are located within a quarter-mile of the subject property. These parks provide baseball/softball fields, a basketball court, tennis courts, a swimming pool, playground equipment, and picnic shelters.

Pedestrian / Bicycle: A bike route is located one block west of the property along 7th Street South.

Staff Analysis:

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

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?
Staff is unaware of any error in the zoning map as it relates to this property. The proposed Neighborhood Commercial zoning district is consistent with the existing and proposed use of the subject property. Approval of the proposed zone change would bring the subject property into compliance with Section 20-04 of the Land Development Code, ending the long history of the property as a nonconforming use. Staff finds that the change in zoning is justified as the owner has a clear picture of the type of development that will occupy the land. **(Criteria Satisfied)**

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. **(Criteria satisfied)**

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?
Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received four inquiries about the project and no letters of opposition. One neighbor spoke in opposition to the project at the Planning Commission hearing, citing concerns of increased traffic along the alley. 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 purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Although not yet adopted, this request is consistent with the findings of the Hawthorne Neighborhood Implementation Brief (a subset of the Core Neighborhoods Plan) which cites an interest in business districts and properties that integrate well and contribute to the desirability of the neighborhood. Staff finds this proposal is consistent with the purpose of the LDC, the 2007 Growth Plan, and other adopted policies of the City. **(Criteria satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading, place the rezoning Ordinance on for first reading, and move to approve the proposed zoning map amendment from SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial, as the proposal complies with the 2007 Growth Plan, Standards of Section 20-0906.F (1-4), and all other applicable requirements of the LDC."

Planning Commission Recommendation: March 2, 2021

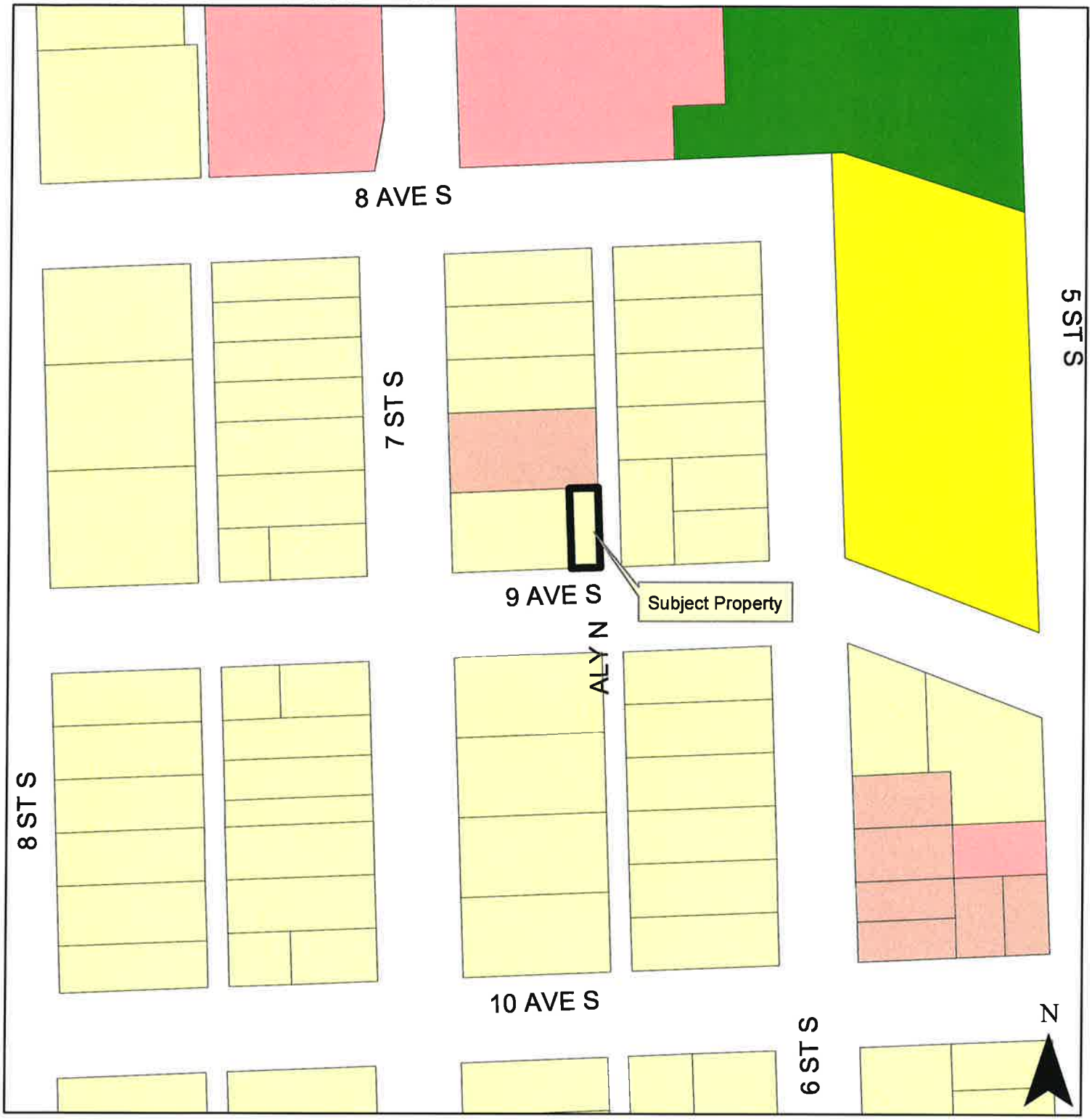
On March 2, 2021, by a vote of 8-0 with one Commissioner absent and two seats vacant, the Planning Commission moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed zoning map amendment form SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial,

as the proposal complies with the 2007 Growth Plan, Standards of Section 20-0906.F (1-4), and all other applicable requirements of the LDC.
Attachments:
1. Zoning Map 2. Location Map

Zone Change (SR-3 to NC)

Chas A Roberts Addition

615 9th Ave S



THE CITY OF Fargo FAR MORE

Legend

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

100 Feet

Fargo Planning Commission
March 2, 2021

Zone Change (SR-3 to NC)

Chas A Roberts Addition

615 9th Ave S

THE CITY OF Fargo FAR MORE

100 Feet

Fargo Planning Commission
March 2, 2021

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

2nd

AN ORDINANCE REZONING A CERTAIN PARCEL
OF LAND LYING IN CHAS A. ROBERTS 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 Chas A. Roberts Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on March 2, 2021; and,

WHEREAS, the rezoning changes were approved by the City Commission on March 22, 2021,

NOW, THEREFORE,

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

Section 1. The following described property:

East Twenty-seven (27) Feet of Lots One (1), Twenty-three (23), and Twenty-four (24), Block K of Chas A. Roberts Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "SR-3", Single-Dwelling Residential, District to "NC", Neighborhood Commercial, District.

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

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.

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

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

DOWNTOWN FARGO
business improvement district
CLEAN | SAFE | MAINTAIN | PROMOTE

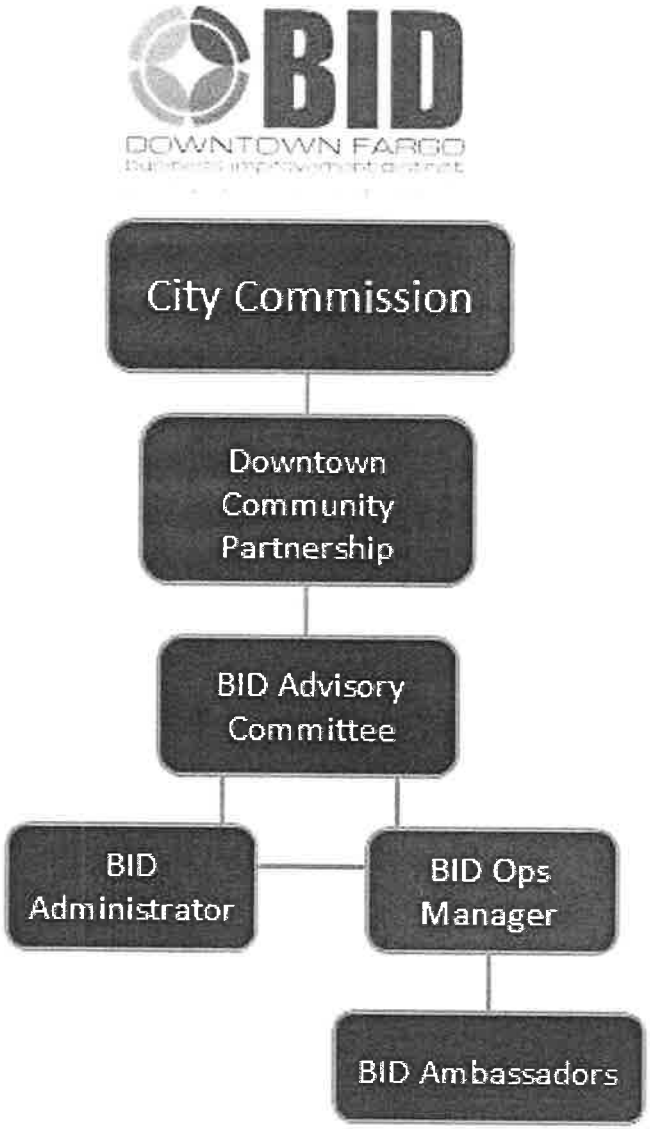
32

2020 DOWNTOWN FARGO AMBASSADOR REPORT

CHRIS SCHLEPP
OPERATIONS MANAGER

BID ORGANIZATIONAL FLOWCHART

The Business Improvement District (BID) was re-structured in June 2016 with one idea in mind: To improve and enhance the overall attractiveness and appeal of Downtown Fargo. In order to accomplish this goal, the BID focuses on four key areas: cleaning, safety, maintenance, and hospitality.



Managed & administered by the Downtown Community Partnership (DCP), the BID is funded through assessments approved by Downtown property owners. Each zone is tiered and receives different levels of service based upon revenue received by way of these assessments.

BID ADVISORY COMMITTEE

2020 BID ADVISORY COMMITTEE							
Name	**Organization**	**Zone 1**	**Zone 2**	**Zone 3**	**Zone 4**	**Zone 5**	**City Advisor**
Adrienne Olson, BID Chair	Kilbourne Group						
Jesse Helland, BID Vice Chair	ICS - Builds						
Melissa Brandt, BID Admin	Downtown Community Partn						
Greg Danz	Zandbroz Variety	X					
Mark Johnson	Kilbourne Group	X					
Robert Ross	Gate City Bank	X					
Travis Koch	U.S. Bank	X					
Tom Smith	Great Northern Bike Co		X				
Jon Wanzek	Meadow Lark Lofts		X				
Dave Anderson	Sanford Health			X			
Duane Litton	Duffy's Tavern			X			
Randy Christianson	Beverage Wholesalers				X		
Lisa Bortnem-Wiser	Mid-States Wireless				X		
Elizabeth Worth	North Dakota State Univ					X	
Dave Peipkorn	Fargo City Commissioner						X
Arlette Preston	Fargo City Commissioner						X
Steve Sprague	Fargo City Auditor						X
Lt James Kringlie	Fargo Police Department						X

The BID Advisory Committee is made up of business leaders and property owners with a vision to strengthen and improve the experience of the Downtown Business District of Fargo. Working collectively with their members, local residents and the City of Fargo, the Advisory Committee ensures the BID remains committed to enhancing the overall Downtown Business Improvement Plan.

COMMUNITY PARTNERS

Downtown
COMMUNITY PARTNERSHIP

THE CITY OF
Fargo
FAR MORE

Public Health
Prevent. Promote. Protect.
Fargo Cass Public Health

FARGO POLICE
GATEWAY TO THE WEST
NORTH DAKOTA

THE Arts Partnership
Cultivating the community through the arts

2020 CLEANING & MAINTENANCE STATS

	20/01	20/02	20/03	20/04	20/05	20/06	20/07	20/08	20/09	20/10	20/11	20/12	TOTAL
Bushes Trimmed (blocks)	0	0	0	0	0	0	13	0	0	1	0	0	**14**
Forwarded to Fargo One	0	4	0	1	0	0	1	1	1	3	0	0	**11**
Graffiti - Forwarded for Action	0	0	0	0	0	0	2	10	3	1	0	0	**16**
Graffiti - Removed	0	1	0	4	17	87	65	10	49	12	6	1	**252**
Holiday Lights Repaired	0	0	0	0	0	0	1	2	0	0	1	0	**4**
Power Washing (block faces)	0	0	0	1	0	0	30	13	0	0	0	0	**44**
Recycling (lbs)	100	100	300	100	350	552	650	625	425	428	350	175	**4155**
Snow Removal - Block Faces	88	75	4	41	0	0	0	0	0	0	1	80	**289**
Trash (lbs)	1351	1675	2700	3178	5200	7025	6515	7714	7428	5132	4403	4026	**56347**
Weed Abatement (block faces)	0	0	0	0	0	14	0	14	14	0	0	0	**42**

2020 SAFETY & HOSPITALITY STATS

	20/01	20/02	20/03	20/04	20/05	20/06	20/07	20/08	20/09	20/10	20/11	20/12	TOTAL
Business Contact	82	12	39	1	6	3	10	12	2	3	10	34	**214**
Hospitality Assistance	19	31	10	15	38	22	38	28	20	1	7	9	**238**
Mobile Outreach	6	2	1	4	3	5	32	18	8	1	0	3	**83**
Motorist Assist	0	0	0	0	1	0	3	10	0	0	0	3	**17**
Ordinances Enforced	0	1	33	35	70	25	34	51	17	0	1	7	**274**
Panhandling - Aggressive	0	0	0	0	0	1	5	5	1	0	0	4	**16**
Panhandling - Passive	1	1	1	0	1	2	18	9	2	0	0	0	**35**
Request for Fire/EMS	0	1	0	0	1	0	1	1	0	1	0	0	**5**
Request for Police	7	2	4	5	3	12	21	23	9	1	4	7	**98**
Safety Escort	1	1	0	2	0	2	9	4	0	0	0	0	**19**

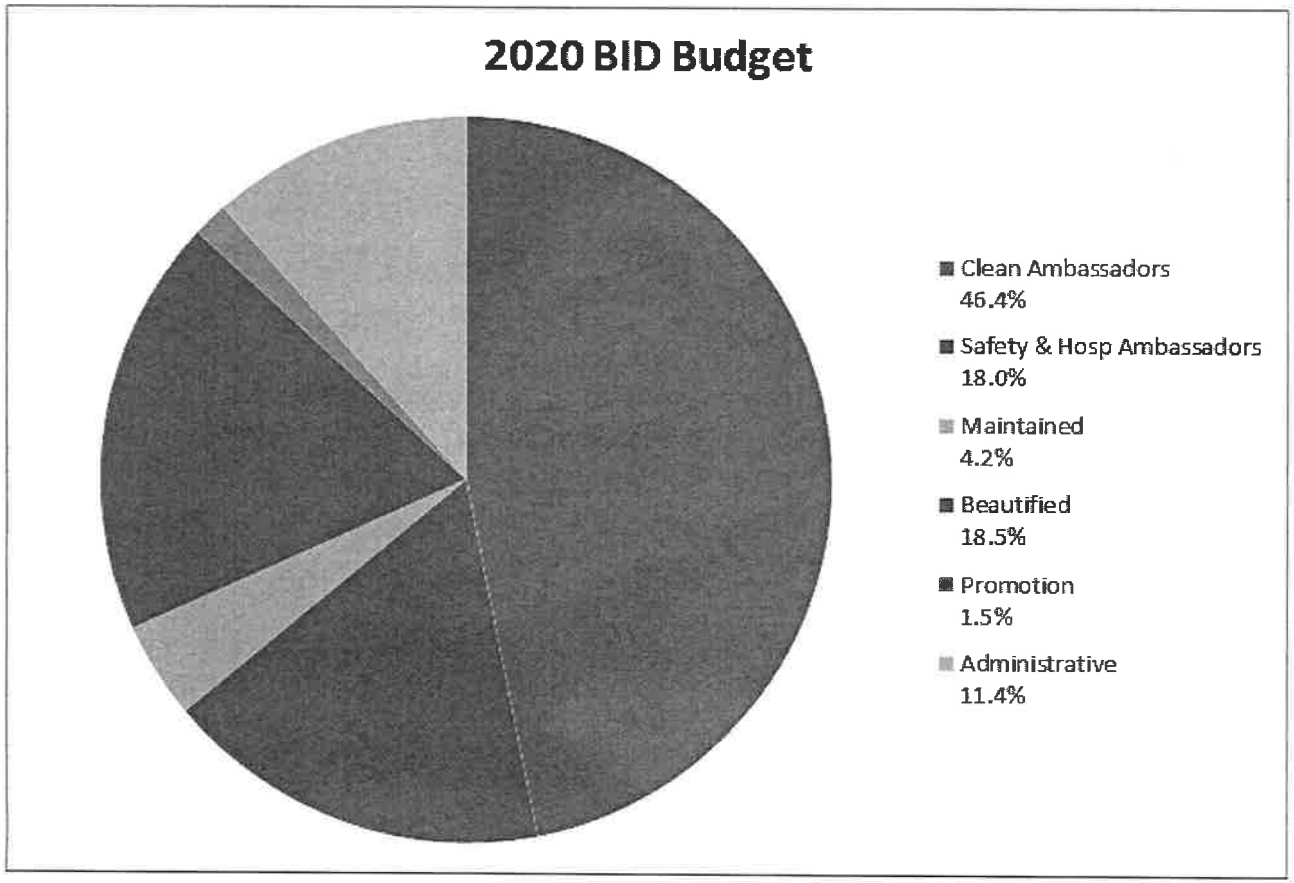
2016 – 2020 CLEANING & MAINTENANCE ROLL-UP STATS

BUSHES TRIMMED (BLOCK FACES)	68
FORWARDED TO FARGO ONE	49
GRAFFITI FORWARDED FOR ACTION	82
GRAFFITI REMOVED	2,478
HOLIDAY LIGHTS REPAIRED	48
POWER WASHING (BLOCK FACES)	105
RECYCLING (LBS)	8,656
SNOW REMOVAL (BLOCK FACES)	1,136
TRASH (LBS)	212,752
WEED REMOVAL (BLOCK FACES)	754

2016 – 2020 SAFETY & HOSPITALITY ROLL-UP STATS

BUSINESS CONTACTS	1,270
HOSPITALITY ASSISTANCE	1,465
MOBILE OUTREACH	125
MOTORIST ASSISTANCE	95
ORDINANCES ENFORCED	1,895
PANHANDLING (PASSIVE)	182
PANHANDLING (AGGRESSIVE)	45
REQUEST FOR FIRE OR EMS	32
REQUEST FOR POLICE	283
SAFETY ESCORT	102

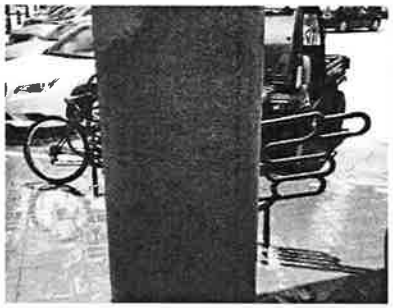
2020 BID BUDGET



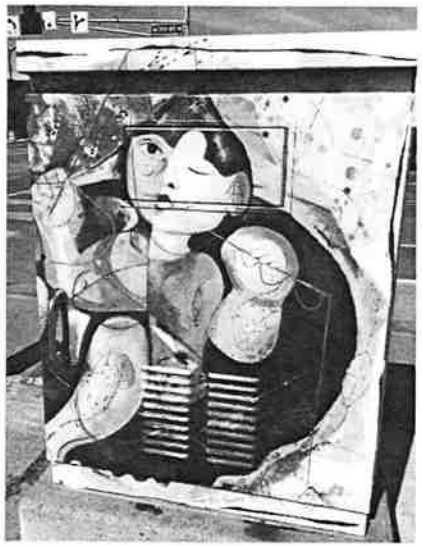
Revenue:	
Assessment Revenue:	$341,700
Additional Revenue:	$55,072
Total 2021 Budget:	$396,772
Expenses:	
Ambassadors:	$251,582
Maintained:	$16,875
Beautified:	$73,475
Promotion:	$6,130
Administrative:	$45,501
Balance Remaining:	$3,209

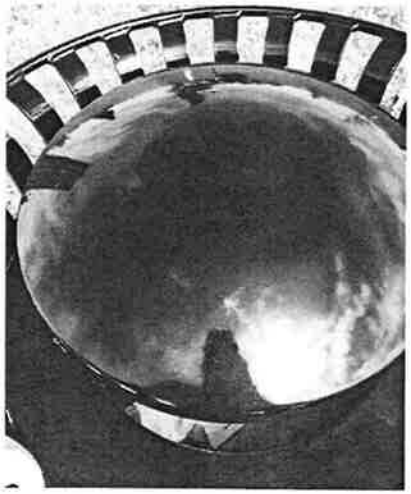
CLEANING HIGHLIGHTS

PRESSURE WASHING HIGHLIGHTS

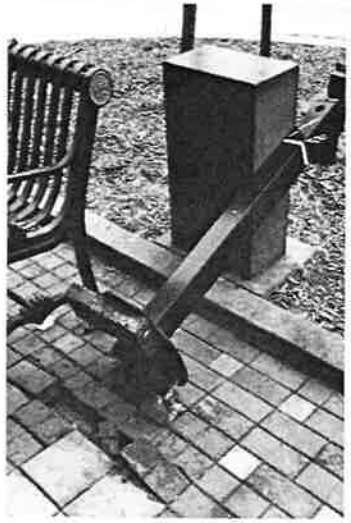


GRAFFITI HIGHLIGHTS





MAINTENANCE HIGHLIGHTS



SNOW REMOVAL HIGHLIGHTS

PUBLIC SAFETY & OUTREACH HIGHLIGHTS

PROMOTING DOWNTOWN

Safety Escort Billboard

Downtown Parklet

YOUR DOWNTOWN FARGO AMBASSADOR TEAM WAS HERE!

Your Downtown Fargo Ambassador Team provides maintenance, hospitality, and safety services on a daily basis. In addition to these services, we performed the following:

Date: _____ Time: _____

- Removed Trash
- Weed Control
- Safety Escort
- Removed Graffiti
- Pressure Washing
- Other

Other: _____

Ambassador _____

- Service(s) initiated by the Fargo Business Improvement District
- This service was provided at your request

LET US KNOW HOW WE ARE DOING:
(701) 212-0310
(701) 238-1051
https://www.facebook.com/FargoBID/

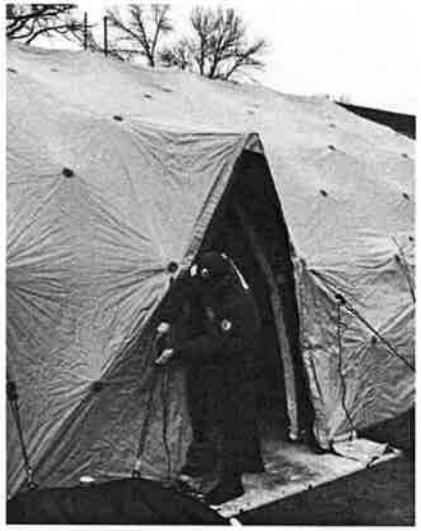
BID Was Here Cards

Seasonal Flags

Flower Baskets

Annual Holiday Lights

COMMUNITY INVOLVEMENT



Putting Up the Gladys Ray Shelter Tent

Stringing Electricity and Lights

Homeless Porta Potties

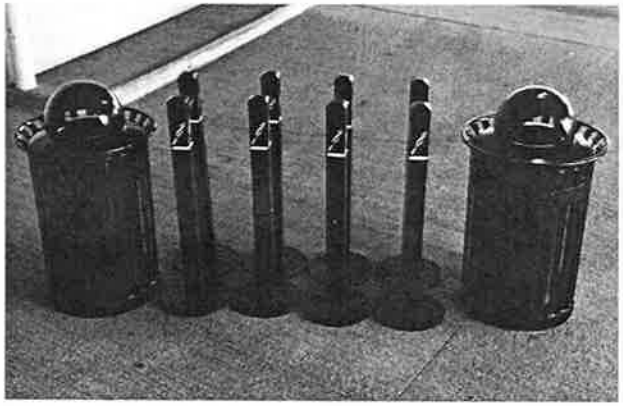
Downtown Riot Clean-Up

We've Got Pride

WHAT'S NEW IN 2020

Additional Recycle Bins

Updated
Directory Signs



Additional Cigarette & Trash
Receptacles

Warm White Holiday Lights

Additional Utility Box Wraps

WHO'S SAYING WHAT

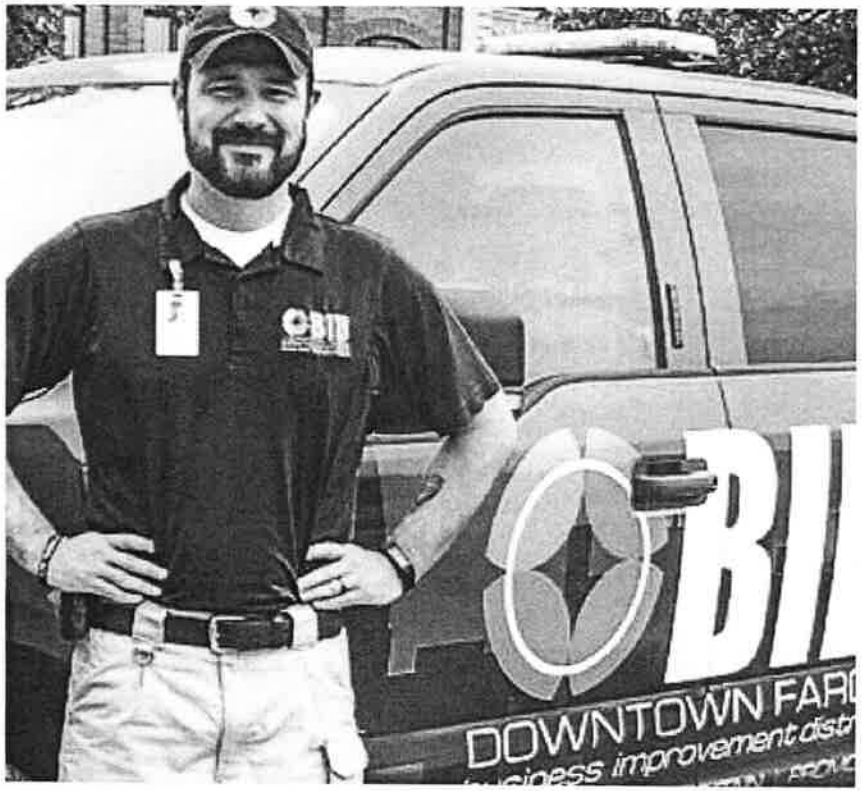
We live in Downtown Fargo, an area busy with retail shops, restaurants and bars, and construction on nearly every block. It's also home to countless apartment and condo residents. So the population density is high. It's not easy to keep the sidewalks and streets clean and welcoming for residents, visitors and customers. We wish to thank the ambassadors of BID and its director, Chris Schlepp, for the wonderful work they do in making our downtown neighborhood a pleasant experience. - Mark & Susan Kolstad (Downtown Residents)

I am a resident of Downtown Fargo and I want to say that Fargo's BID team has done a fabulous job in the past. Hardly a minute goes by where I don't see a team member doing something to make Downtown better. Two weeks ago I watched as they improved the landscaping and seating outside of my place in front of Dempsey's and I've also noticed some new signage in a few locations as I walked and biked some of the streets. Yesterday as the protest downtown began to grow destructive, I packed my things and left my residence before curfews were in place, planning fully to go back to restore things to how they were before the chaos. While I was not able to volunteer this morning to clean up, I wanted to reach out and thank you guys and gals, as well as the PD and City of Fargo for taking charge and helping take care of everything down there. - Brady Haussler (Downtown Resident)

THE WAY FORWARD

2021 BID Renewal
One Additional Full-Time Maintenance Ambassador
One Additional Full-Time Safety Ambassador
Additional Maintenance Equipment
Extended Business Hours
New Seasonal Banners
Downtown Puppy Relief Areas
Additional Downtown Artwork
Additional Cigarette Butt Receptacles

A MESSAGE FROM THE BID OPS MANAGER



Another year has come and gone and 2020 was definitely unique. Between wiping amenities down daily and working more closely with local law enforcement, mobile outreach, and the homeless coalition, it was another productive and rewarding year for the BID.

Your BID staff remains steadfast in delivering the best possible services while continuing our ongoing mission of keeping our Downtown a great place to work, visit, live, and play! As I stated last year, we are fortunate to be a part of it all!

From all of us, thank you so much for your continued support. It's a driving force that motivates us in finding ways to better serve our Downtown community. Knowing that we have a direct and positive impact on our Downtown community is humbling. There isn't another place quite like Downtown Fargo, and we will continue doing our part in keeping this community clean, maintained, safe, and promoted.

- Chris Schlepp

CITY OF Fargo

PUBLIC WORKS OPERATIONS

Fleet Management, Forestry,
Streets & Sewers,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1453
FAX: (701) 241-8100

33

March 15, 2021

The Honorable Board of City Commissioners
City of Fargo
Fargo, ND 58102

RE: Request to Schedule Annual Clean-up Week over a Two-Week Period

Commissioners:

As spring quickly approaches, both Solid Waste and Public Works staff have been discussing how to proceed with our annual spring cleanup week operations while still facing the COVID 19 risk factor. As you may recall, due to the outbreak of COVID 19 last spring, we delayed cleanup week until the fall. With the elevated risk still present last fall, the decision was made to hire a contractor to perform the work over a two-week period following the recycling routes.

With the COVID 19 risk factor still lingering, staff feels that we have assembled a plan that will allow us to conduct the spring cleanup for our residents while protecting the health of our city staff. In order to do this, we need to limit the number of day laborers that we hire to assist in the process. Generally, we hire approximately 30 day laborers to assist with spring cleanup when performed during a single week. To limit exposure and reduce the number of day laborers required, we are proposing to hold spring cleanup over a two-week period following the recycling routes. By doing this we can reduce our day laborer needs from 30 individuals to 10.

We are proposing the first week of spring cleanup to be conducted May 3-7 for recycling week B and the second week May 10-14 for recycling week A.

By switching to a two-week schedule, we will also limit the amount of overtime required to complete the process.

RECOMMENDED MOTION: I/we hereby move to proceed with conducting spring cleanup week over a two-week period, May 3-7 (recycling week B) and May 10-14 (recycling week A).

Respectfully submitted,

Benjamin Dow
Public Works Director

Terry Ludlum
Solid Waste Utility Director

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

34

AN ORDINANCE AMENDING SECTION 25-1512 THROUGH 25-1515 AND ENACTING SECTION 25-1513 THROUGH 25-1517 OF ARTICLE 25-15 OF CHAPTER 25 OF THE FARGO MUNICIPAL CODE RELATING TO RESTRICTIONS ON SALE, SERVICE OR DISPENSING OF ALCOHOLIC BEVERAGES

WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Code; and,

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and,

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and,

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

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

Section 1. Amendment.

Section 25-1512 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby amended to read as follows:

25-1512. - Licenses—Termination, suspension, revocation, and sanctions.

All licenses issued under the provisions of this article, unless otherwise specifically provided, shall terminate on June 30th next following the date of issuance; provided, however, that any license issued under the provisions of this article may, under certain circumstances, terminate automatically or may be terminated, suspended or revoked by the commission.

A. Any license issued under the provisions of this article shall automatically terminate:

1. Upon the death of the licensee unless, upon application to the commission by the personal representative of the decedent, the commission shall consent to the carrying

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

on of such business by the personal representative. Said application must be submitted to the commission within 30 days of the licensee's death.

2. When the licensee, for any reason, ceases business at the licensed premises, except as permitted in accordance with § 25-1507(H) of this article. Business shall be deemed to have ceased upon occurrence of any of the following:

   a. When no sale of alcoholic beverages occurs on the licensed premises for a period of at least 30 consecutive business days; or

   b. When alcoholic beverages are not sold on the licensed premises on at least 15 of any 60 consecutive business days; or

   c. When the licensed premises are not open for normal business for at least 180 hours in any 60 consecutive business days;

   provided, however, upon written request of the licensee, the commission, in its discretion and for good cause shown, may extend the date upon which business shall be deemed to have ceased.

3. When any license or permit of the licensee from the United States government or state of North Dakota to sell alcoholic beverages at the licensed premises has terminated or been revoked.

4. As to any license issued from and after June 1, 2014, when an ownership transfer has occurred except as are excepted under section 25-1508 subs. K.

B. The commission may, in its discretion, suspend or revoke for cause any license issued under the provisions of this article. The grounds for suspension or revocation shall, among others, include the following:

1. The licensee has filed a petition in bankruptcy.

2. An individual licensee, one of the partners in a partnership licensee, or one of the officers in a corporation licensee, or any individual in active management of the licensed business is convicted of violating any of the provisions of this article.

3. The licensee has been convicted of a felony under the laws of the United States or under the laws of one of the several states.

4. The business of the licensee, at the location licensed, is conducted in such a manner as to be in violation of the health and sanitary regulations of the city of Fargo.

5. The licensee has made any false statement in his application for a license.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

6. The licensee conducts his business in a manner which results in, encourages or is conducive to the creation of disturbances of the peace, disorderly conduct or any other violations of federal, state and/or city laws.

C. The grounds enumerated in subsection (B above) of this section shall not be deemed to be exclusive and any license issued under the provisions of this article may be suspended or revoked by the commission for any other reason deemed by the commission to be sufficient in order to promote and protect the public health, safety, morals and general welfare of the people of the city of Fargo. When any license is suspended or revoked by the commission pursuant to the provisions of this section, or when the licensee voluntarily ceases business, no portion of the license fee previously paid shall be returned to the licensee or to anyone claiming under or through him.

~~D. No license issued under the provisions of this article shall be suspended or revoked for cause by the commission without a public hearing. In the event that the commission intends to consider the suspension or revocation of any license for cause, it shall direct the city auditor to notify the licensee of its intention to consider the same. The notice shall specify the time and place of the suspension or revocation hearing and shall be served upon the licensee or his managing agent in the same manner as provided by law for the service of a summons in a civil action. No suspension or revocation hearing shall be held before the expiration of 15 days after the date of the service of the notice upon the licensee.~~

~~If, upon such hearing, it appears to the commission that sufficient cause exists for the suspension or revocation of a license issued pursuant to the provisions of this article, the commission shall make its order suspending or revoking the said license.~~

~~E.~~D. Penalties for failing compliance checks conducted by the Fargo police department are as follows:

1. First offense - $500 penalty. This penalty may be waived if the person serving the alcoholic beverages, as well as the management, have server training certificates. There will, however, be mandatory server training within 30 days for any employee or member of management not having server training. There will be no license sanction on a first offense.

2. Second offense - $750 penalty. No license sanction penalty.

3. Third offense - $1,000 penalty - for Class "AB", "A" and "B" license holders, one day suspension of license (liquor sales only) with the date selected by licensee within thirty (30) days of either occurrence of the offense or final decision upon appeal. For all other classes of liquor licenses, two days suspension of liquor sales only.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

4. Fourth offense - no monetary penalty - for Class "AB", "A" and "B" license holders, three days in one week suspension of liquor license (liquor sales only) on consecutive dates chosen by licensee requiring the business to be closed. For all other classes of liquor licenses, six consecutive days suspension of liquor sales only. Such suspension shall be within thirty (30) days of either the occurrence of the offense or final decision upon appeal.

5. Fifth offense - no monetary penalty - for Class "AB", "A" and "B" license holders, seven consecutive day suspension of license (liquor sales only) with the dates selected by licensee requiring the business to be closed for liquor sales. For all other classes of liquor licenses, fourteen consecutive days suspension of liquor sales only, such suspension to be within thirty (30) days of either the occurrence of the offense or final decision upon appeal.

6. Sixth offense - no monetary penalty - for Class "AB", "A" and "B" license holders, ten consecutive day suspension of license (liquor sales only) with the dates selected by licensee requiring the business to be closed for liquor sales. For all other classes of liquor licenses, twenty consecutive days suspension of liquor sales only, such suspension to be within thirty (30) days of either the occurrence of the offense or final decision upon appeal.

7. Seventh offense - no monetary penalty - revocation of liquor license.

The foregoing penalties for failing compliance checks will be those offenses occurring within a one-year period. Said one-year period commences to run and is calculated (365 days) from the first offense by the licensee. The city of Fargo police department, in conjunction with its designee, will make a reasonable effort to conduct up to four compliance checks a year at each licensed liquor serving establishment in the city. In the event a licensed establishment fails to pass compliance checks during such visits, the same may result in additional compliance checks being conducted at that establishment during the year.

~~F.~~ E. For those businesses with liquor licenses requiring a food-to-alcohol sales ratio (or in the case of an FA-ENTERTAINMENT or RZ-V licensee, a food and business income to alcohol sales ratio), there shall be an audit at least once every three (3) years (one-third of the licensees each year) provided, however, that subject businesses obtaining a new license and businesses that transfer an existing license to new owners shall be subject to an audit 12 months after obtaining or transferring of the license. The city of Fargo shall pay the cost of the audit if the business is in compliance with the required food-to-alcohol sales ratio (or in the case of an FA-ENTERTAINMENT or RZ-V licensee, a food and business income to alcohol sales ratio). The liquor licensee shall, however, pay for the cost of the audit of the business is not in compliance with the required food-to-alcohol

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

sales ratio (or in the case of an FA-ENTERTAINMENT or RZ-V licensee, a food and business income to alcohol sales ratio). Penalties for failed audits shall be as follows:

1. First offense - six month probationary period to come into compliance to be followed by a second audit establishing compliance. Sale and consumption of alcoholic beverages shall be discontinued at 1:00 a.m. for such time as the length of any probationary period. Yearly audits for the next two years to be paid for by the liquor licensee.

2. Second offense - thirty days suspension of liquor license not requiring closure of the business which may remain open for food sales. Yearly audits for the next two years to be paid for by the liquor licensee.

3. Third offense - revocation of license.

~~G. Sanctions or penalties under subsections E and F above may not be invoked without a public hearing if so requested by the licensee. Upon written notification by the city auditor's office that a penalty is being sought under subsections E and F above, the liquor licensee may notify the city auditor's office within ten (10) days and request a hearing on the proposed penalty. A hearing shall be set by the board of city commissioners specifying the time and place of the hearing, and shall further describe the reason for said hearing, and shall be served upon the liquor licensee in the same manner as provided by law for the service of a summons in a civil action. No suspension hearing shall be held before the expiration of fifteen days after the date of service of the notice. The hearing for said suspension shall be heard by the board of city commissioners. A record of the hearing shall be made by electronic recording device.~~

~~If, upon such hearing, it appears to the majority of the board of city commissioners that sufficient causes exists for the penalty sanctions, the board of city commissioners shall make its order in accordance with the provisions of this article. The board of city commissioners shall further issues its findings, conclusions and order which shall be served on the liquor licensee. The order is appealable pursuant to Chapter 28-34 of the North Dakota Century Code.~~

~~H.~~ F. Administrative penalties for violation of section 25-1509.2 regarding sale to an intoxicated person or person incapacitated by consumption of alcoholic beverages are as follows:

1. First offense: Warning. There will also be mandatory server training refresher course within 30 days after the offense.

2. Second offense: $1,000 monetary penalty, plus one-day suspension of alcoholic beverage license to be determined by the liquor control committee. For Class "AB", "A" and "B" license holders, one day suspension of license (liquor sales only) with

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

the date selected by licensee within thirty (30) days of either occurrence of the offense or final decision upon appeal. For all other classes of liquor licenses, two days suspension of liquor sales only with the dates selected by licensee within thirty (30) days of either occurrence of the offense or final decision on appeal.

3. Third offense: $2,000 monetary penalty, plus a three-day suspension of alcoholic beverage license to be determined by liquor control committee. For Class "AB", "A" and "B" license holders, three days in one week suspension of liquor license (liquor sales only) on consecutive dates chosen by licensee requiring the business to be closed. For all other classes of liquor licenses, six consecutive days suspension of liquor sales only. Such suspension shall be within thirty (30) days of either the occurrence of the offense or final decision upon appeal.

4. Fourth offense: $2,000 monetary penalty, plus a four-day day suspension of alcoholic beverage license to be determined by liquor control committee. For Class "AB", "A" and "B" license holders, four days in one week suspension of liquor license (liquor sales only) on consecutive dates chosen by licensee requiring the business to be closed. For all other classes of liquor licenses, eight consecutive days suspension of liquor sales only. Such suspension shall be within thirty (30) days of either the occurrence of the offense or final decision upon appeal.

5. Fifth offense: $2,000 monetary penalty, plus a 10-day suspension, and a possible revocation of alcoholic beverage license to be determined by liquor control committee. For Class "AB", "A" and "B" license holders, ten days suspension of liquor license (liquor sales only) on consecutive dates chosen by licensee requiring the business to be closed. For all other classes of liquor licenses, twenty consecutive days suspension of liquor sales only. Such suspension shall be within thirty (30) days of either the occurrence of the offense or final decision upon appeal.

The level of offenses shall be determined by reference to a 18-month period from the first offense by licensee. By way of illustration, a second offense occurring more than 18-months after a first offense would then be deemed a first offense.

Any suspension of alcoholic beverage license provided for herein shall relate to liquor sales only so that food sales could, if applicable, continue on the licensed premises.

~~I.~~ G. Administrative penalties for violation of section 25-1509.2 regarding allowing consumption of alcoholic beverages on the licensed premises by any intoxicated person are as follows:

1. First offense: Warning. There will also be mandatory server training refresher course within 30 days after the offense.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

2. Second offense: $500 monetary penalty.

3. Third offense: $1,000 monetary penalty, plus a one-day suspension of alcoholic beverage license to be determined by liquor control committee. For Class "AB", "A" and "B" license holders, one day suspension of license (liquor sales only) with the date selected by licensee within thirty (30) days of either occurrence of the offense or final decision upon appeal. For all other classes of liquor licenses, two days suspension of liquor sales only.

4. Fourth offense: $1,500 monetary penalty, plus a two-day day suspension of alcoholic beverage license to be determined by liquor control committee. For Class "AB", "A" and "B" license holders, two days in one week suspension of liquor license (liquor sales only) on consecutive dates chosen by licensee requiring the business to be closed. For all other classes of liquor licenses, four consecutive days suspension of liquor sales only. Such suspension shall be within thirty (30) days of either the occurrence of the offense or final decision upon appeal.

5. Fifth offense: $2,000 monetary penalty, plus a four-day suspension, and a possible revocation of alcoholic beverage license to be determined by liquor control committee. For Class "AB", "A" and "B" license holders, four days in one week suspension of liquor license (liquor sales only) on consecutive dates chosen by licensee requiring the business to be closed. For all other classes of liquor licenses, eight consecutive days suspension of liquor sales only. Such suspension shall be within thirty (30) days of either the occurrence of the offense or final decision upon appeal.

Any suspension of alcoholic beverage license provided for herein shall relate to liquor sales only so that food sales could, if applicable, continue on the licensed premises.

It is the intent of this ordinance that no multiple offenses shall be deemed to have occurred from a single incident. For example, on an officer contact with the licensed premises, if there should be two or more offenses involving intoxicated persons on the premises, the same will constitute one offense and not multiple offenses. Any subsequent officer contact with the establishment at a different time may constitute a separate offense.

~~Sanctions or penalties under this subsection may not be invoked without a public hearing if so requested by the licensee. Upon written notification by the city auditor's office that a penalty is being sought under this ordinance, the liquor licensee may notify the city auditor's office within ten (10) days and request a hearing on the proposed penalty. A hearing shall be set by the board of city commissioners specifying the time and place of the hearing, and shall further describe the reason for said hearing, and shall be served upon the liquor licensee in the same manner as provided by law for the service of a summons in a civil action. No suspension hearing shall be held before the expiration of fifteen days after the date of service of the notice. The~~

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

~~hearing on said suspension shall be heard by the liquor control committee subject to an appeal to the board of city commissioners who will review the findings of fact made by the liquor control committee. A record of the hearing shall be made by electronic recording device. Upon appeal to the board of city commissioners, the licensee shall be allowed to make any statements or arguments and fully argue its case, but it will not be entitled to a trial de novo. The hearing shall be based on the findings of fact made by the liquor control committee, the record of the hearing, together with the statements and arguments of the licensee.~~

~~If, upon such hearing, it appears to the majority of the board of city commissioners that sufficient causes exists for the penalty sanctions, the board of city commissioners shall make its order in accordance with the provisions of this article. The board of city commissioners shall further issue its findings, conclusions and order which shall be served on the liquor licensee. The order is appealable pursuant to Chapter 28-34 of the North Dakota Century Code.~~

Source: 1965 Rev. Ord. 25-1512, 1869 (1978), 2198 (1985), 2539 (1990), 2822 (1997), 4182 (2001), 4215 (2002), 4333 (2003), 4416 (2004), 4502 (2006), 4629 (2007), 4915 (2014), 5010 (2015).

Section 2. Enactment.

Section 25-1513 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby enacted to read as follows:

25-1513.- Revocation, suspension, sanctions or other penalties- Hearing Request.

Revocation, suspension, sanctions or other penalties may not be invoked without a public hearing if requested by the licensee. The city auditor's office shall notify the licensee that it has determined a license compliance violation exists, and shall further provide written notice by email and regular mail to the licensee of the Liquor Control Board's scheduled meeting date and time at which the violation will be considered. If the Liquor Control Board recommends revocation, suspension, sanctions or other penalties, the licensee may request a hearing before the board of city commissioners within ten (10) days of such Liquor Control Board recommendation. The board of city commissioners shall conduct a public hearing, including consideration of the evidence and testimony presented to the Liquor Control Board. The city auditor shall provide written notice to the licensee, specifying the date, time and place of the public hearing before the board of city commissioners, and such notice shall be served upon the licensee or its managing agent in the same manner as provided by law for the service of a summons in a civil action. No hearing shall be held before the board of city commissioners before expiration of fifteen (15) days after the date of the service of the notice upon the licensee.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

If, upon such hearing, it appears to the majority of the board of city commissioners that sufficient cause exists for the revocation, suspension, sanctions or other penalty, the board of city commissioners shall issue its findings, conclusions and order which shall then be served on the licensee by certified mail. The findings, conclusions and order of the board of city commissioners is appealable pursuant to Chapter 28-34 of the North Dakota Century Code.

Section 3. Enactment.

Section 25-1514 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby enacted to read as follows:

25-1514- Creation of a Liquor Control Board

The purpose of this section is to establish a Liquor Control Board whose purpose is to undertake initial review and consideration of liquor license matters, including but not limited to applications for licenses, license renewal applications, requests for new or additional licenses, and asserted violations which may result in penalties, sanctions, suspensions or license revocations. The Liquor Control Board shall provide a process for review and recommendation to the board of city commissioners.

Section 4. Enactment.

Section 25-1515 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby enacted to read as follows:

25-1515- Number of Members—Term of Members—Appointment of Members—Filling Vacancies.

The Liquor Control Board shall consist of five (5) members, who shall be appointed by the president of the board of city commissioners, subject to confirmation by the board of city commissioners. One (1) member of the Liquor Control Board shall be a member of the board of city commissioners, who shall serve as Chair of the Liquor Control Board and continue in such role for so long as Committee appointments are approved by the board of city commissioners. The four (4) remaining Liquor Control Board members shall be residents of the city of Fargo and shall be appointed by the president of the board of city commissioners, subject to confirmation by the board of city commissioners. The terms of office of the remaining four (4) Liquor Control Board members shall be as follows: two (2) members shall serve until July 1, 2023; two (2) members shall serve until July 1, 2025. At the expiration of the terms of the members as

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

aforesaid, members shall be appointed for three-year terms. If a vacancy occurs otherwise than by expiration of a term, it shall be filled by appointment for the unexpired portion of the term. Notwithstanding the expiration of a member's term, such member may serve until his or her successor has been appointed and qualified.

Section 5. Enactment.

Section 25-1516 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby enacted to read as follows:

25-1516-Removal

Any member of the Liquor Control Board may be removed by the president of the board of city commissioners, subject to the concurrence of a majority of the board of city commissioners.

Section 6. Enactment.

Section 25-1517 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby enacted to read as follows:

25-1517- Powers and Duties

The Liquor Control Boards shall act in an advisory capacity to the board of city commissioners in any matter which may be assigned to the Liquor Control Board for consideration and recommendation. Members of the Liquor Control Board shall receive no compensation.

Section 7. Amendment.

Section 25-1513 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby amended to read as follows:

25-1513~~3~~8. - Unlawful practices.

In addition to such other prohibitions as are contained in this article:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

A. It shall be unlawful for any person to sell or consume any alcoholic beverage upon any street, alley or public highway, including any public sidewalk or boulevard, or on any private property without consent of the owner or occupant within the city of Fargo, except as permitted by subsection (J) of section 25-1509 of this chapter. It shall further be unlawful for any person to possess any bottle or receptacle containing any alcoholic beverage which has been opened or the contents of which have been partially consumed while such person is upon any street, alley or public highway, including any public sidewalk or boulevard, or upon property owned, operated or leased by the city of Fargo or by the state of North Dakota or any political subdivision or agency thereof, within the city of Fargo, except under a valid alcoholic beverages license issued under this article, and further except as permitted by 25-1509.1(C).

B. The sale, possession, use or consumption of alcoholic beverages shall be unlawful and prohibited in and on the premises of any public building except as may be authorized by appropriate license or permit issued pursuant of this chapter, and further except as permitted by 25-1509.1(C).

C. It shall be unlawful for any person under 21 years of age to misrepresent his or her age for the purpose of purchasing or drinking any alcoholic beverage or for the purpose of entering any premises licensed under the provisions of this article.

D. It shall be unlawful for any person, either personally or through an agent or employee, to procure, furnish or deliver any alcoholic beverage for the use of any person under 21 years of age.

E. No licensee shall deliver or permit to be delivered to any customer outside the licensed premises any alcoholic beverages sold under the terms and provisions of this article unless the package containing such alcoholic beverage shall be securely wrapped and shall contain on the outside thereof, in plain, legible writing, the name of the dealer selling the same and also the name and address of the purchaser thereof. Additional conditions and restrictions on delivery of alcoholic beverages are as follows:

1. Delivery shall only be allowed by licensees having an off-sale license.

2. Delivery shall be limited to customers having a pre-established credit arrangement with the off-sale licensee. Such credit arrangement may be in the form of a house account or open charge account established between the customer and off-sale licensee, but specifically shall not include credit cards, debit cards, bank credit cards or any other form or type of credit arrangement. The pre-established credit arrangement between the customer and the off-sale licensee shall have been established at least one (1) week before any delivery is allowed thereunder. It is the intent of this paragraph that the entire sales transaction is complete at the point of sale subject only to delivery.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

3. Delivery shall only be made to the address of the customer as identified on the pre-established credit arrangement with the off-sale licensee.

4. Delivery shall only be made by a person who is of legal age and who has completed mandatory server training.

5. Positive identification of the purchaser shall be made at the point of delivery. In addition, a digital photograph shall be taken to confirm the identity of purchaser.

F. No owner, operator, officer or employee or driver of any taxicab in the city of Fargo shall accept from any person, except a dealer regularly licensed under the provisions of this article, any order for the delivery of any alcoholic beverage.

Source: 1965 Rev. Ord. 25-1513, 1869 (1978), 2025 (1981), 2344 (1987), 2570 (1991), 2760 (1995), 2814 (1997), 2822 (1997), 3090 (1999), 4202 (2002), 4401 (2004), 4412 (2004), 4413 (2004), 5163 (2018).

Section 8. Amendment.

Section 25-1514 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby amended to read as follows:

25-1514~~9~~. - Inspection of licensed premises.

The members of the board of city commissioners of the city of Fargo, the chief of police, or any officer of the health or police department may, at any time, enter upon any licensed premises for the purpose of police inspection or to determine whether the licensed premises are in compliance with any and all ordinances of the city.

Source: 1965 Rev. Ord. 25-1514, 1869 (1978).

Section 9. Amendment.

Section 25-1515 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby amended to read as follows:

25-151~~5~~20. - Penalty.

Any person, firm or corporation violating §§ 25-1509 or 25-151~~3~~8 of this article is guilty of a Class B misdemeanor. Every person, firm or corporation violating an ordinance which is

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

punishable as a Class B misdemeanor shall be punished by a fine not to exceed $1,500, or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof. In addition to such fine and/or imprisonment, the court, in its discretion, may assess a fee in an amount not to exceed $25.00 as provided in section 27-01-10, N.D.C.C.

Every person, firm or corporation violating any other sections of this article shall, upon conviction thereof, be punished by a fine not to exceed $1,000; the court to have power to suspend said sentence and to revoke the suspension thereof.

Source: 1965 Rev. Ord. 25-1515, 1869 (1978), 2517 (1990), 4718 (2009), 4909 (2014).

Section 10. Effective Date

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

Section 11. Penalty.

A person who willfully violates this ordinance is guilty of a Class B misdemeanor. Every person, firm or corporation violating an ordinance which is punishable as a Class B misdemeanor shall be punished by a fine not to exceed $1,500.00, or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof. In addition to such fine and/or imprisonment, the court, in its discretion, may assess a fee in an amount not to exceed $25.00 as provided in section 27-01-10, N.D.C.C.

(SEAL)

_____
Timothy J. Mahoney, Mayor

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

TONY GEHRIG, CITY COMMISSIONER
Fargo City Hall
225 4th Street North
Fargo, ND 58102-4817
Phone: 701.893.8185 | Fax: 701.476.4136
www.FargoND.gov

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: COMMISSIONER TONY GEHRIG

DATE: MARCH 22, 2021

RE: PROPOSED ORDINANCE RESTRUCTURING THE LIQUOR CONTROL BOARD AND ESTABLISHING A HEARING PROCESS

With respect to the proposed ordinance amending our liquor licensing ordinances to establish a restructured membership on the Liquor Control Board and to establish a more-extensive explanation of the public hearing process; I am generally supportive of the efforts; however, I urge the City Commission to consider two amendments to the draft ordinance—first, to allow a second City Commissioner to serve on the Liquor Control Board, at the discretion of the City Commission and, second, to allow the City Commission to take action on any disciplinary matter without first requiring that the Liquor Control Board hold a public hearing and recommend a disposition. Thus, I intend to make the suggested motion below at our upcoming Regular Meeting; however, I thought it may be helpful to see the amendments that I am proposing in context, as follows (my proposed language is underlined):

Section 2. Enactment.
Section 25-1513 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby enacted to read as follows:

25-1513 - Revocation, suspension, sanctions or other penalties- Hearing Request.
Revocation, suspension, sanctions or other penalties may not be invoked without a public hearing if requested by the licensee. The City Auditor's office shall notify the licensee that it has determined a license compliance violation exists, and shall further provide written notice by email and regular mail to the licensee of the Liquor Control Board's scheduled meeting date and time at which the violation will be considered. If the Liquor Control Board recommends revocation, suspension, sanctions or other penalties, the licensee may request a hearing before the Board of City Commissioners within ten (10) days of such Liquor Control Board recommendation. The Board of City Commissioners shall conduct a public hearing, including consideration of the evidence and testimony presented to the Liquor Control Board. The City Auditor shall provide written notice to the licensee, specifying the date, time and place of the public hearing before the Board of City Commissioners, and such notice shall be served upon

the licensee or its managing agent in the same manner as provided by law for the service of a summons in a civil action. No hearing shall be held before the Board of City Commissioners before expiration of fifteen (15) days after the date of the service of the notice upon the licensee.

If, upon such hearing, it appears to the majority of the Board of City Commissioners that sufficient cause exists for the revocation, suspension, sanctions or other penalty, the Board of City Commissioners shall issue its findings, conclusions and order which shall then be served on the licensee by certified mail. The findings, conclusions and order of the Board of City Commissioners is appealable pursuant to Chapter 28-34 of the North Dakota Century Code. Notwithstanding the aforesaid public hearing process of this subsection, upon request by the Liquor Control Board, by any City Commissioner or by the licensee that is the subject of the potential disciplinary action, the Board of City Commissioners may take action to initiate the process for scheduling of a public hearing on the disciplinary matter to be held by the city commission without first requiring a liquor control board public hearing or receiving its recommendation.

Section 4. Enactment.

Section 25-1515 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby enacted to read as follows:
25-1515- Number of Members—Term of Members—Appointment of Members—Filling Vacancies.
The Liquor Control Board shall consist of five (5) members, who shall be appointed by the President of the Board of City Commissioners, subject to confirmation by the Board of City Commissioners. One (1) member of the Liquor Control Board shall be a member of the Board of City Commissioners, who shall serve as Chair of the Liquor Control Board and continue in such role for so long as Committee appointments are approved by the Board of City Commissioners. The four (4) remaining Liquor Control Board members shall be residents of the City of Fargo and shall be appointed by the president of the Board of City Commissioners, subject to confirmation by the Board of City Commissioners. The terms of office of the remaining four (4) Liquor Control Board members shall be as follows: two (2) members shall serve until July 1, 2023; two (2) members shall serve until July 1, 2025. At the expiration of the terms of the members as aforesaid, members shall be appointed for three-year terms. If a vacancy occurs otherwise than by expiration of a term, it shall be filled by appointment for the unexpired portion of the term. Notwithstanding the expiration of a member's term, such member may serve until his or her successor has been appointed and qualified. One of the four (4) resident-members of the Liquor Control Board may be a member of the Board of City Commissioners, said member to be designated to serve in such role for so long as committee appointments are approved by the Board of City Commissioners.

SUGGESTED MOTION: I move that the proposed "Ordinance Amending Section 25-1512 through 25-1515 and Enacting Section 25-1513 through 25-1517 of Article 25-

15 of Chapter 25 of the Fargo Municipal Code Relating to Restrictions on Sale, Service or Dispensing of Alcoholic Beverages" be amended as follows:

1. That Section 2 (enacting Section 25-1513) of the proposed ordinance be amended to add the following:
   Notwithstanding the aforesaid public hearing process of this subsection, upon request by the liquor control board, by any City Commissioner or by the licensee that is the subject of the potential disciplinary action, the Board of City Commissioners may take action to initiate the process for scheduling of a public hearing on the disciplinary matter to be held by the city commission without first requiring a liquor control board public hearing or receiving its recommendation.

2. That Section 4 (enacting Section 25-1515) of the proposed ordinance be amended to add the following:
   One of the four (4) resident-members of the Liquor Control Board may be a member of the Board of City Commissioners, said member to be designated to serve in such role for so long as committee appointments are approved by the Board of City Commissioners.

THE CITY OF Fargo FAR MORE

35

ARLETTE PRESTON, CITY COMMISSIONER
Fargo City Hall
225 4th Street North
Fargo, ND 58102-4817
Phone: 701.715.2862 | Fax: 701.476.4136
www.FargoND.gov

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: COMMISSIONER ARLETTE PRESTON

DATE: MARCH 22, 2021

RE: ANTI-BIAS CRIME ORDINANCE

There have been incidents when residents of the City have been victims of criminal activity and were targeted because of their race, color, ethnicity, national origin, religion, disability, gender, sexual orientation or gender identity. This type of crime causes an environment of fear for the individuals directly affected and for the entire targeted population.

Enclosed is a sample ordinance which establishes criminal activity carried out with a bias as a separate offense and carries a separate sentence in addition to the underlying criminal offense. It also requires law enforcement training in identifying and a requirement for reporting these incidents.

Just as important, it sends a clear message that population-targeted bias crimes will not be tolerated in our community.

I am requesting Commission approval to move forward with the drafting of an Ordinance.

SUGGESTED MOTION: To direct the City Attorney's office to work with appropriate City departments and develop an anti-bias crime ordinance for the City of Fargo and to present the ordinance to the City Commission upon completion.

FARGO, NORTH DAKOTA HATE CRIMES ORDINANCE

BE IT ORDAINED BY THE CITY COMMISSION OF FARGO, NORTH DAKOTA AS FOLLOWS:

SECTION 1: The Municipal Code of the City of Fargo, North Dakota is hereby amended to create a new Article **[X]** entitled "Hate Crimes" to read as follows:

Hate Crimes.

(a) A person who commits a crime in violation of Section 10-0319 (Incendiary devices), 10-0321 (Criminal mischief), 10-0322 (Harassment), 10-0323 (Simple Assault), or 10-0304(C) (Discharge of dangerous weapons) within the City of Fargo and with the intent in whole or in part to cause harm, injury, or damage to the person or property of the victim or to cause the victim to fear harm, injury, or damage to their person or property, because of the victim's actual or perceived race, color, ethnicity, national origin, religion, disability, gender, sexual orientation, gender identity, or association with a person or group with one or more of these actual or perceived characteristics, is guilty of a separate hate crime offense.

(b) Every person who aids, abets, counsels, encourages, hires, commands, induces, or otherwise procures another to violate this ordinance shall also be guilty of a separate offense.

(c) A violation of this ordinance shall be a misdemeanor and punishable by a fine of not more than $1500.00 and/or by imprisonment for not more than 30 days. The sentence imposed must be consecutive to the sentence for the underlying criminal offense unless the court articulates on the record the reasons why the sentences should run concurrently. Any sentence may be suspended upon completion by the defendant of appropriate education, counseling, or community service employment as ordered by the court. The court may also designate all or part of the imposed fine to be directed to the support of programs designed to combat bias based on actual or perceived race, color, ethnicity, national origin, religion, disability, gender, sexual orientation, or gender identity.

(d) In addition to the penalties provided for above, the court may order restitution up to the limits of the court's jurisdiction for damages sustained by the victim directly related to the commission of the crime which may include compensation for medical bills, counseling or therapy, or damage to property.

Hate Crimes Training and Reporting.

(a) For purposes of this section, a hate crime shall be defined as any crime committed in whole or in part because of the victim's actual or perceived race, color, ethnicity, national origin, religion, disability, gender, sexual orientation, or

gender identity, or the victim's association with a person or group with one or more of these actual or perceived characteristics.

(b) The Fargo Police Department shall develop best-practice guidelines for the proper identification, investigation, documentation and reporting of hate crimes committed within the City of Fargo.

(c) Fargo Police Department personnel shall be trained on the proper identification, investigation, documentation, and reporting of hate crimes, as defined herein, at least biennially. This training shall include information on local, state, and federal hate crime laws.

(d) The Fargo Police Department shall develop and implement a standardized system for collecting and analyzing hate crimes committed within the City and shall provide annual statistical data regarding the occurrence of hate crimes and the groups or individuals targeted to the Federal Bureau of Investigation, pursuant to 28 U.S.C. 534, for entry into the national crime information databases.

CITY OF
Fargo
ASSESSMENT DEPARTMENT

36a

March 16, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3113 26 Ave S as submitted by Mark & Nancy Wolfe. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022 & 2023.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $230 with the City of Fargo's share being $40.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

225 4th Street N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Mark & Nancy Wolfe Phone No. 701.367.1218
2. Address of Property 3113 26 Ave S

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed. Lt 18 Blk 1 Westlake 5th
4. Parcel Number 01-4009-00360-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner same

   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Master bath remodel
7. Building Permit No. 20120390 8. Year Built 1995
9. Date of Commencement of making the improvement 12/9/2020
10. Estimated market value of property before improvement $
11. Cost of making the improvement (all labor, material and overhead) $ 50,841
12. Estimated market value of property after improvement $

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

    Applicant's Signature Mark A Wolfe Date 3/15/21

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s):

    Assessor's Signature [signature] Date 3-16-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied ☐ Approved ☐

    Approval subject to the following conditions:

    Chairman of Governing Body Date

Submit Via Email

CITY OF
Fargo
ASSESSMENT DEPARTMENT

366

March 1, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2956 Peterson Pkwy N as submitted by Kasey & Anna McNary. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022 & 2023.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $930 with the City of Fargo's share being $160.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

225 4th Street N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Kasey & Anna McNary Phone No. 701/770-5284
2. Address of Property 2956 Peterson Pkwy N.

   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.

   Lot 21 Block 3 Edgewood Farms Addn
4. Parcel Number 01-0735-00450-000 Residential ☑ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same

   City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).

   Major Remodel to Kitchen
7. Building Permit No. 20050415 8. Year Built 1988
9. Date of Commencement of making the improvement 5/21/20
10. Estimated market value of property before improvement $ 397,000
11. Cost of making the improvement (all labor, material and overhead) $ $105,787
12. Estimated market value of property after improvement $ 467,700

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

    Applicant's Signature [signature] Date 02-16-21

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s): _____

    Assessor's Signature [signature] Date 3-4-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied ☐ Approved ☐

    Approval subject to the following conditions: _____

    Chairman of Governing Body _____ Date _____

CITY OF Fargo

ASSESSMENT DEPARTMENT

360

February 24, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1520 37 ½ Ave S as submitted by Dennis & Viola Schwind. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022 & 2023.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $425 with the City of Fargo's share being $70.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

225 4th Street N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Dennis & Viola Schwind Phone No. 701.426.6485
2. Address of Property 1520 37 1/2 Ave S

   City FARGO State ND Zip Code 58104
3. Legal description of the property for which the exemption is being claimed. Lts 9 & pt of 10 Blk 9 Ruby Dell Schnell
4. Parcel Number 01-2705-01560-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner same

   City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remodel bedroom, bathrooms, & kitchen
7. Building Permit No. 20120086 8. Year Built 1986
9. Date of Commencement of making the improvement Dec 4, 2020
10. Estimated market value of property before improvement $ _____
11. Cost of making the improvement (all labor, material and overhead) $ 50,000.00
12. Estimated market value of property after improvement $ _____

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

    Applicant's Signature [signature] Date 2/22/21

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s): _____

    Assessor's Signature [signature] Date 3-4-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied ☐ Approved ☐

    Approval subject to the following conditions: _____

    Chairman of Governing Body _____ Date _____

Submit Via Email

CITY OF Fargo

ASSESSMENT DEPARTMENT

36d

March 2, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1412 10 St N as submitted by Neil Gruchalla. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022, 2023, 2024 & 2025.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $395 with the City of Fargo's share being $70.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

225 4th Street N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lt 28, Blk 2, Ohmers
2. Address of Property 1412 10 St N
3. Parcel Number 01-2220-03930-000
4. Name of Property Owner Neil D Gruchalla Phone No. 701/541-1929
5. Mailing Address of Property Owner Same

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Updated flooring, shingles, soffit, fascia, gutters & downspouts
7. Building permit No. None
8. Year built (residential property) 1927
9. Date of commencement of making the improvements 2017
10. Estimated market value of property before the improvements $ 126,300.00
11. Cost of making the improvement (all labor, material and overhead) $ unknown Purchased from Dad who did work
12. Estimated market value of property after the improvements $ 199,300.00

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Neil D Gruchalla Date 3/2/2021

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s):

Assessor/Director of Tax Equalization [illegible] Date 3-4-2021

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐

Approval is subject to the following conditions:

Exemption is allowed for years 20___, 20___, 20___, 20___, 20___.

Chairperson Date

24840 (Rev. 6-01)

CITY OF Fargo

ASSESSMENT DEPARTMENT

36e

March 1, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3410 1 St N as submitted by Mike & Heidi Klukken. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022, 2023, 2024 & 2025.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $90 with the City of Fargo's share being $15.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

225 4th Street N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Mark + Heidi Klukken Phone No. 701/367-9293
2. Address of Property 3410 1st St. N.

   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.

   Lot 27 Block 2 Van Raden's 2nd Addn
4. Parcel Number 01-3560-00360-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same

   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).

   Remodeling Bathroom
7. Building Permit No. 20080054 8. Year Built 1973
9. Date of Commencement of making the improvement 8/13/20
10. Estimated market value of property before improvement $ 207,800
11. Cost of making the improvement (all labor, material and overhead) $ 10,985
12. Estimated market value of property after improvement $ 214,500

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

    Applicant's Signature Heidi Klukken Date 2/10/2021

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s):

    Assessor's Signature [illegible] Date 3-4-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied ☐ Approved ☐

    Approval subject to the following conditions:

    Chairman of Governing Body Date

CITY OF Fargo

ASSESSMENT DEPARTMENT

36f

February 19, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1329 10 St S as submitted by Bruce & Elizabeth Thompson. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022, 2023, 2024 & 2025.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $490 with the City of Fargo's share being $80.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

225 4th Street N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lt 2 Blk 6 Huntingtons Addn
2. Address of Property 1329 10 St S
3. Parcel Number 01-1400-00980-000
4. Name of Property Owner Bruce & Elizabeth Thompson Phone No. 701-367-2352
5. Mailing Address of Property Owner 1008 5 St N Fargo ND 58102

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Kitchen remodel & add bath to basement
7. Building permit No. 20110026
8. Year built (residential property) 1941
9. Date of commencement of making the improvements 11/03/2020
10. Estimated market value of property before the improvements $ 146,500.00
11. Cost of making the improvement (all labor, material and overhead) $ 30,000.00
12. Estimated market value of property after the improvements $ 183,800.00

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant _____ Date 2/17/21

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization _____ Date 3-4-2021

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐

Approval is subject to the following conditions: _____

Exemption is allowed for years 20___, 20___, 20___, 20___, 20___.

Chairperson _____ Date _____

24840 (Rev. 6-01)

CITY OF Fargo

ASSESSMENT DEPARTMENT

(36a)

March 8, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 810 9 Ave N as submitted by Brianna & Ryan Miller. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022, 2023, 2024 & 2025.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $115 with the City of Fargo's share being $20.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

225 4th Street N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Brianna + Ryan Miller Phone No. 320/815-6643
2. Address of Property 810 9th Ave. N.

   City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.

   Lot W 46 2/3 FT of N 1/2 of 6 + W 46 2/3 Ft of 7; Block 12 Harwoods 2nd
4. Parcel Number 01-1130-00270-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner Same

   City State Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Gutting/Remodeling Bathroom
7. Building Permit No. 20060856 8. Year Built 1919
9. Date of Commencement of making the improvement 7/2/20
10. Estimated market value of property before improvement $ 143,100
11. Cost of making the improvement (all labor, material and overhead) $
12. Estimated market value of property after improvement $ 151,800

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

    Applicant's Signature [signature] Date 2/23/21

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s):

    Assessor's Signature [signature] Date 3-12-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied ☐ Approved ☐

    Approval subject to the following conditions:

    Chairman of Governing Body Date

THE CITY OF Fargo FAR MORE

DR. TIMOTHY J. MAHONEY, MAYOR
Fargo City Hall
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1310 | Fax: 701.476.4136
www.FargoND.gov

37a

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: APRIL 5, 2021

SUBJECT: AIRPORT AUTHORITY APPOINTMENT

The term of Michael J. Haugen expires on April 8, 2021.

James C. Kapitan has submitted an application indicating an interest in serving on the Board and I am recommending his appointment. I have attached a copy of his application for your information.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: Approve the appointment of James C. Kapitan as a member of the Airport Authority for a five-year term ending April 8, 2026.

wwappt21aakapitan

Kember Anderson

From: noreply@cityoffargo.com
Sent: Monday, June 11, 2018 11:32 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:
[James C. Kapitan]
Mailing Address:
[4553 44th Street So.]
City:
[Fargo]
State:
[North Dakota]
Zip:
[58104]
Work Phone:
[BLANK]
Home Phone:
[701 261 0792]
E-mail:
[jimkapitan@outlook.com]
Which boards or commissions would you like to be considered for?
[Airport Authority,Planning Commission,Special Assessment Commission,Tax-Exempt Review Committee]
Briefly state why you would like to be on this panel:
[My early background is in construction, I served as the Airport manager for 18 years. I was a principle appraiser for the City of Fargo for 23 years and Human Resource Director for 1 year. I believe I have the expertise and knowledge to serve on any of these boards better than most.]
How many hours per month could you volunteer as a panel member?
[As many as it takes to get the job done.]
Please list any past experience you have with city government here or in other cities:
[After retiring from the city after 42 years, I taught for Homeland Security for three years. For the past fourteen years I have served as an independent contractor as a Public Assistance Coordinator for the North Dakota Department of Emergency Services during Presidential declared disasters.]
Please describe any professional experience you have related to the responsibilities of the panel you are interested in:
[I have stated these in the above: Airport manager, Real Estate Appraiser, Homeland Security Instructor, Public Assistance Coordinator, Human Resource Director, Col. USAFR (retired) Commander 15 yrs Security Forces, Commander 23 yrs Disaster Preparedness/Emergency Management.]

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

Copyright © 2018 City of Fargo

THE CITY OF Fargo FAR MORE

DR. TIMOTHY J. MAHONEY, MAYOR
Fargo City Hall
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1310 | Fax: 701.476.4136
www.FargoND.gov

376

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: MARCH 22, 2021

SUBJECT: FARGO DOME AUTHORITY APPOINTMENTS

The terms of Dan Armbrust and David Suppes on the Fargo Dome Authority expire on April 1, 2021. Mr. Suppes and Mr. Armbrust 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 David Suppes and Dan Armbrust to the Fargo Dome Authority for four-year terms ending April 1, 2025.

mmappt21da