FARGO CITY COMMISSION AGENDA
Monday, May 7, 2018 - 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, April 23, 2018).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Sections 11-0805, 11-0806, 11-0807, 11-0819 and 11-0821 of Article 11-08 of Chapter 11 of the Fargo Municipal Code Relating to Environmental Nuisances.

2. 2nd reading of the following Ordinances; 1st reading, 4/23/18:
   a. Ordinance Amending Section 25-1504.3, of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.
   b. Rezoning Certain Parcels of Land Lying in Timber Creek Eighth Addition.

3. Site Authorizations for Games of Chance:
   a. Team Maker's Club, Inc. at Frank's Lounge (amended).
   b. American Gold Gymnastics at The Box and Sidestreet Grille & Pub.
   c. Jon Greenley Amvets Post #7 at Amvets.
   d. Red River Human Services Foundation at The Northern and Fargo Elks Lodge #260.
   e. Plains Art Museum at Blue Wolf Casino (West Acres Bowl).

4. Applications for Games of Chance:
   a. Fargo Moorhead Derby Girls for a raffle on 6/9/18.
   b. Malachi Rohrer Benefit for a raffle and raffle board on 5/18/18 (Public Spirited Resolution).
   c. Fargo Gateway Lions for a raffle on 7/10/18.

5. Memorandum of Understanding with the City of Moorhead for implementation of a purchasing card program.

6. Memorandum of Understanding with the National Veterans Intermediary to provide funds to support the ND Cares Fargo Chapter.

7. Contract Agreement with Active Minds Academy to provide a breastfeeding friendly environment for their employees.

8. Sole Source Procurement to Twin City Garage Door for removal and installation of the loading dock interior overhead door.

9. Sole Source Procurement in the amount of $18,525.00 to CEIA, USA for the purchase of divesting tables.

10. Acquisition of 708 4th Avenue North in exchange of 11 11th Street North.

11. Resolutions Approving the following Plats:
    a. The Basins at 100th Addition.
    b. The Edge Addition.

12. Change Order No. 1 for an increase of $21,795.00 for Project No. UR-17-C1.

13. Change Order No. 10 for an increase of $55,532.00 for Project No. FM-14-61.

14. Bid advertisement for Project No. SN-18-A.

15. Bills.

16. Amended Engineer's Report for Improvement District No. TN-18-A.

17. Agreement - Early Building Permit with West Fargo Public School District #6 and Lee Jones & Son Construction Co. for Improvement District No. BN-18-B1.

18. Contract Amendment No. 2 with Houston Engineering in the amount of $169,583.18 for Improvement District No. BR-18-B2.

19. Bid awards for Improvement District Nos. BN-18-A1 and BR-18-G1.

20. Contracts and bonds for Improvement District Nos. AN-17-F1, BN-18-E1, BR-18-E1, BR-18-F1, BR-18-J1, NN-17-A1 and PR-18-F1.

REGULAR AGENDA:

21. State Water Commission requests for Cost Reimbursement for FM Diversion Flood Project Costs:
    a. Costs totaling $7,127.00.
    b. Cost totaling $31,576.00

22. Receive and file an Ordinance Amending Section 25-1509.2, of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.

23. Public Hearings - 5:15 pm:
    a. Renaissance Zone Project for Ruby Rules, LLC for a rehabilitation project located at 321 4th Street North.

24. Resolution Approving Plat of Cityscapes Business Park:
    a. Quit Claim Deed with Bullinger Enterprises, LLLP.

25. Presentation of the Drain 27 Improvement Project.

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

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

CITY OF Fargo

Finance Office
P.O. Box 2083
200 3rd Street North
Fargo, North Dakota 58107-2083
Phone: 701-241-1333
Fax: 701-241-1526

2a

TO: BOARD OF CITY COMMISSIONERS

FROM: KENT COSTIN, DIRECTOR OF FINANCE

RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL

DATE: May 1, 2018

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

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

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling $7,127.

Printed on Recycled paper.

CITY OF Fargo

Finance Office
P.O. Box 2083
200 3rd Street North
Fargo, North Dakota 58107-2083
Phone: 701-241-1333
Fax: 701-241-1526

May 1, 2018

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

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #64 pursuant to the terms and conditions of House Bill 1020 for costs incurred from March 1, 2018 to March 31, 2018 on the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is $7,127.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
$244,000,000	**$183,818,871**	**$14,255**	**50%**	**$7,127**	**$60,174,002**

Project Narrative, this request:

Project Number	Project Description
V02823	Pay Application #3 for WP42G – General Landscaping & Plantings along In-Town Flood Walls

We certify that $78,689,391 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in HB 1020. Copies of their approval letters are included.

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

Sincerely,

Kent Costin

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

Printed on Recycled paper.

Required Local Approvals:

City of Fargo	Cass County Commission
Cass County Joint Water Resource Dist.	

FM Metropolitan Area Flood Risk Management Project
Summary of Cash Disbursements Eligible for SWC Funding
March 2018

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-206-10-00	3/8/2018	285478	HOFFMAN & MCNAMARA NURSERY&LANDSCAP	(750.25)	GEN LANDSCAPE & PLANTINGS	V02823	LANDSCAPING & PLANTINGS
			Total Retainage	**(750.25)**			
790-7950-429.73-66	3/8/2018	285478	HOFFMAN & MCNAMARA NURSERY&LANDSCAP	15,005.00	GEN LANDSCAPE & PLANTINGS	V02823	LANDSCAPING & PLANTINGS
			Total ND Construction - Landscaping	**15,005.00**			
			Total Expense for Period	**14,254.75**			

CITY OF Fargo

Finance Office
P.O. Box 2083
200 3rd Street North
Fargo, North Dakota 58107-2083
Phone: 701-241-1333
Fax: 701-241-1526

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TO: **BOARD OF CITY COMMISSIONERS**

FROM: **KENT COSTIN, DIRECTOR OF FINANCE**

RE: **STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL**

DATE: **May 1, 2018**

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

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

As requested previously by the City Commission, the costs related to the Oxbow Hickson Bakke levee are being presented separately from the rest of the Metro Flood Diversion expenses. This request includes only the OHB levee related costs for March 2018.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling $31,576.

Printed on Recycled paper.

CITY OF Fargo

Finance Office
P.O. Box 2083
200 3rd Street North
Fargo, North Dakota 58107-2083
Phone: 701-241-1333
Fax: 701-241-1526

May 1, 2018

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

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #65 pursuant to the terms and conditions of House Bill 1020 for costs incurred on the OHB Levee project from March 1, 2018 to March 31, 2018. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is $31,576.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
$244,000,000	**$183,825,998**	**$63,153**	**50%**	**$31,576**	**$60,142,426**

Project Narrative, this request:

Project Number	Project Description
V02411	Residential relocation assistance for homeowners that will be displaced by the O/H/B ring levee project
V04701	Utility relocation for O/H/B ring levee project

We certify that $78,689,391 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in HB 1020. Copies of their approval letters are included.

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

Sincerely,

Kent Costin

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

Printed on Recycled paper.

Required Local Approvals:

_____
City of Fargo

_____
Cass County Commission

_____
Cass County Joint Water Resource Dist.

FM Metropolitan Area Flood Risk Management Project
Summary of Cash Disbursements Eligible for SWC Funding
March 2018 - OHB Levee Related Costs

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7930-429.67-11	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	12,980.42	TODD & DEBRA DEBATES	V02411	OXBOW MOU-RESIDENT RLCTN
790-7930-429.67-11	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	14,727.40	TODD & DEBRA DEBATES	V02411	OXBOW MOU-RESIDENT RLCTN
			Total LERRDS - North Dakota - Residential Buildings	**27,707.82**			
790-7952-429.73-70	3/8/2018	285433	CASS COUNTY ELECTRIC-4100 32 AVE SW	35,445.00	STORMWATER PUMP STATION	V04701	OHB LEVEE UTILTY RELOCATE
			Total O/H/B Construction - Utilities	**35,445.00**			
			Total Expense for Period	**63,152.82**			

CITY OF Fargo

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Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

May 3, 2018

Board of City Commissioners
City Hall
200 North Third Street
Fargo, ND 58102

Dear Commissioners:

At its meeting on April 18, 2018, the Liquor Control Board considered Chief Todd's request to amend Fargo Municipal Code §25-1509.2- Restrictions on sale to obviously intoxicated person. Specifically, Chief Todd requested that the need for a corroborating witness opinion of intoxication be stricken from the relevant considerations. The Liquor Control Board unanimously recommended approval of the revised Ordinance. Revised ordinance 25-2509.2 is presented to you for your consideration.

Suggested Motion: I move to receive and file an amendment to section 25-1509.2 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.

Sincerely,

Nancy J. Morris

Enclosure

505 Broadway Street North • Suite 206 • Fargo, ND 58102 • Ph (701) 280-1901 • Fax (701) 280-1902

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-1509.2, OF ARTICLE 25-15 OF CHAPTER 25 OF THE FARGO MUNICIPAL CODE RELATING TO 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 25-1509.2 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby amended to read as follows:

25-1509.2. Restrictions on sale to obviously intoxicated person.—No licensee or partner, principal, agent or employee of any licensee shall sell, serve, or furnish alcoholic beverages to or allow possession and consumption of alcoholic beverages on the licensed premises by any person who is or has become intoxicated and/or incapacitated by the consumption of alcoholic beverages. A person may be considered to be obviously intoxicated when it can be plainly determined by appearance, conduct, and/or demeanor. The term "obviously intoxicated" shall mean that the person's obvious intoxication be reasonably discernible or evident to a person of ordinary experience." Such indicators of intoxication may include, but are not limited to a combination of any of the following types of conditions:

A. Problems with balance, inability to maintain balance, i.e., stumbling, staggering gait, bumping into furniture while walking, falling against bar or off stool, resting head on bar;

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

B. Ineffective muscular coordination, i.e., spilling and/or knocking over drinks, unable to pick up change and the like;
C. Disorientation and mental confusion as to locations, date, names and the like;
D. Strong smell of alcohol;
E. Unusual or distorted speech, i.e., slurred, thick tongue, uncontrollable voice pitch, muttering, and the like;
F. Bloodshot and/or glassy eyes, flushed face, and the like;
G. Condition of clothes and hair, i.e., soiled clothing, urinated upon clothing and the like;
H. Unusual behavior, i.e., vomiting, profanity, hiccups, fighting, loud, boisterous, obnoxious behavior, sleeping or unconscious.

Violation of this ordinance may result in sanctions as prescribed in Section 25-1512(H) and (I) hereinafter. Sanctions for a licensee selling, serving or furnishing alcoholic beverages shall require a sale and a showing that the police officer observed and determined the person to be intoxicated. ~~In addition, a corroborating witness or witnesses who can opine that the person was obviously intoxicated shall be required.~~ Sanctions for a licensee allowing the consumption of alcoholic beverages on the licensed premises shall require a showing that the police officer observed and determined the intoxicated person to be intoxicated on the licensed premises, as well as a showing that the intoxicated person was allowed to consume alcoholic beverages on the licensee's premises. ~~The police officer's observation and determination must be accompanied by information from a corroborating witness or witnesses who can opine that the person was obviously intoxicated when allowed to consume alcoholic beverages on the licensed premises.~~

If a licensee, partner, principal, agent or employee of any licensee shall contact law enforcement to report the presence of an obviously intoxicated patron or to obtain law enforcement assistance in removing an obviously intoxicated patron, a rebuttable presumption is created and sanctions shall not be imposed. This presumption may be overcome, however, by evidence that the licensee, partner, principal, agent or employee of any licensee did not contact law enforcement in good faith.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 2. Effective Date.

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

_____
Timothy J. Mahoney, Mayor

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

THE CITY OF Fargo FAR MORE

23a

PLANNING AND DEVELOPMENT
200 Third Street North
Fargo, North Dakota 58102
Phone: (701) 241-1474
Fax: (701) 241-1526
E-Mail: planning@FargoND.gov
www.FargoND.gov

MEMORANDUM

TO: Fargo City Commission

FROM: Barrett Voigt, Assistant Planner

DATE: May 7, 2018

RE: Renaissance Zone Application from Ruby Rules, LLC (269-F) located at 321 4th Street North

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The City received a Renaissance Zone (RZ) application from Ruby Rules LLC to rehabilitate the existing commercial office building at 321 4th Street North.

The application proposes to complete interior renovations to the existing commercial office building. The building is one (1) level and occupies 5,781 square feet. The rehabilitation would renovate and update the building with significant capital costs relating to minor exterior structural alterations, interior concrete floors, window replacements, roof replacement, and a replacement of HVAC, plumbing, and electrical systems. Construction would tentatively begin in the summer of 2018 and the goal of completion would be in the fall of 2018.

Please find a copy of the staff report and corresponding materials attached with this memo.

As indicated in the attached documents, the project met all state and local requirements for approval. The project is consistent with a number of goals and objectives established in the Fargo Renaissance Zone Development Plan and proposes an investment of $669,602, which exceeds the minimum investment threshold required.

The request was reviewed and unanimously recommended by the Renaissance Zone Authority (RZA) on April 25, 2018.

Recommended Action: Approve the Renaissance Zone rehabilitation application from Ruby Rules LLC and grant property tax exemptions as recommended by the Renaissance Zone Authority.

Staff Report
Renaissance Zone Application for
Ruby Rules, LLC (269-F)
321 4th St N

Project Evaluation:

The City of Fargo received a Renaissance Zone application from Ruby Rules, LLC to rehabilitate the existing commercial office building at 321 4th Street North. Pursuant to the application, the intent of the project is to complete an interior renovation to the current City of Fargo Assessor building to accommodate for a future dental office and yoga studio. The building is 1 level and occupies 5,781 square feet. The rehabilitation would renovate and update the building with significant capital costs relating to minor exterior structural alterations, interior concrete floors, window replacements, roof replacement, and a replacement of HVAC, plumbing, and electrical systems.

The construction would begin in the summer of 2018 with the goal of completion in the fall of 2018.

The Planning Department has reviewed the application and has provided a project ranking based on the analysis below.

Lines 1: Use consistent with the RZ Plan (as per Visions and Goals): As noted in the 2015 Renaissance Zone Development Plan the desired land use on Block 8 is identified as: *clearance and redevelopment*. As proposed, the project will contribute to a number of goals and objectives as outlined in the RZ Plan as follows:

1. *Activity Generator [goal]*: Develop activity-generating enterprises near Renaissance Zone's major commercial corridors: Broadway North and 2nd Avenue North.

   The provision of a dental office and yoga studio would create additional activity along 4th Street North and 4th Avenue North, only 2-3 blocks from the main corridors of Broadway North and 2nd Avenue North.

2. *Walkable Districts [goal]*: Create "walkable districts" that integrate a wide range of activities and land uses; thus encouraging on-street activity.

   The proposed project would contribute additional destinations for commercial services that can be accessed by the means of walking.

3. *Ground Floor Uses [goal]*: Reserve ground floor land uses to those that will encourage streets to come to life – shops, offices, cafes, restaurants and other "public" facilities.

   The proposed project, in addition to land uses provided in the ground floor area of the building, would utilize the surface parking lot in the back of the building for community activities.

4. *Neighborhood Center [goal]: Make "Broadway" Fargo's "Main Street" – a pedestrian-friendly, mixed-use magnet that anchors downtown neighborhoods.*

   The proposed project would contribute as a pedestrian friendly amenity by offering services with high demand in close proximity to Broadway North and the downtown neighborhoods.

5. *Urban Design [goal]:* Projects will embody strong urban design principles inclusive of building massing and form, building materials, pedestrian orientated design, streetscape, building orientation and recognition of the importance of defined block corners, architectural style, high building coverage percentages, limited setbacks or downtown district appropriate setbacks, design longevity and street level transparency.

   The proposed project would include strong urban design principles by incorporating exterior landscape designs.

6. *Transportation [goal]:* Manage downtown transportation, accessibility and parking issues in a manner that will allow for further commercial developments and will make the entire area more user-friendly.

   The property offers off-street parking facilities to mitigate auto-oriented transportation impacts.

7. *Safe Streets – Safe Neighborhoods [goal]*: Encourage safe streets and safe neighborhoods by relying on and utilizing the "natural surveillance" of lively and active streets.

   The proposed project would add pedestrian activity to the area and increase the number of persons to provide surveillance of the area.

8. *High Quality Housing [goal]:* Continue to encourage the production of unique high quality housing that is developed in areas targeted for residential development or as a component of a mixed-use project.

9. *Infill [goal]:* Encourage and actively pursue projects that increase the productivity of underutilized property such as surface parking lots, vacant land and parcels with low building to land value ratios. Infill projects shall conform and be consistent with urban design principles as set forth in Goal 5, above.

   The proposed project will revitalize an under utilized property.

10. *Housing Amenities [goal]:* Integrate quality housing with public open space and neighborhood amenities, requiring the enhancement of existing amenities in conjunction with the creation of new ones.

11. *Downtown Entryways [goal]:* Enhance auto entry experiences with landscaping improvements to all major corridors (Broadway, Roberts St, 1st/NP Avenue, Main Avenue) and gateway statements at Broadway/Main Avenue, Broadway/6th Ave N, 1st Avenue/Red River, Main Avenue/Red River and Main Ave/10th Street N.

12. *The Place to Be [goal]:* Make downtown the entertainment/cultural/recreational center of the city… Make downtown a key destination for visitors/conventioneers and a key destination for residents.

    The project would generate a destination for commercial services that are not found elsewhere in the downtown area and provide community activities.

13. *A Place Like No Other [goal]:* Highlight the unique historic character of the Renaissance Zone by placing a high value on historic preservation and overall awareness of the history of the area.

    The proposed project would restore the exterior of the Chamber building.

14. *24 Hours a day – 7 Days per Week – 365 Days a Year [goal]:* Design spaces, facilities and features that will attract people to the area both day and night, on weekdays and weekends, and during all seasons of the year.

    The proposed dental practice would offer services during conventional business hours of the week and the proposed yoga studio would offer services during the evenings and weekends.

15. *Connections and Coordination [goal]:* ... Strong connections between people, places and things to do are vital to creating a strong sense of community.

    The proposed dental clinic will provide for a core community need for professional health care and the proposed yoga studio tenant has proposed to host community-wide events for the community.

(9 /10 points)

Line 2: Will exterior rehabilitation or the proposed improvements be sufficient to eliminate any and all deteriorated conditions that are visible on the exterior of the building? Does the project scope address the interior and exterior of the building in a comprehensive manner?:

The applicant proposes to maintain the historic character of the building and to repair any deteriorating conditions on the exterior of the building. The application addresses the interior and exterior of the building in a comprehensive manner by offering both interior and exterior improvements to update the building to modern use.

(10/ 10 points)

Line 3: Does the investment comply with the minimum State standard that requires an investment of no less than 50% of the current true and full valuation of the building?:

The property building is currently assessed $485,000. The applicant has proposed a total rehabilitation investment of $669,602 which exceeds the required 50% investment guideline. These improvements will result in $115 per SF (RZ minimum is $25 per SF for residential and $40 per SF for commercial) being invested into the existing space.

(10 / 10 points)

Line 4: Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in the RZ Plan?:

Pursuant to City of Fargo Renaissance Zone standards, in order to qualify for consideration, a project must meet a minimum $25 per SF capital improvement threshold for residential rehabilitation and $40 per square foot capital improvement for commercial rehabilitation. New construction must meet $100 per square foot capital investment threshold.

According to the application, the structure accommodates 5,781 square feet. The application estimates a total capital investment of $669,602, which calculates to approximately $115 per SF.

(10 / 10 points)

Line 5: **Sub-Total:** The sub-total of lines 1–4 equals 40 points.

~~Line 6: Use consistent with the RZ Plan (as per Visions and Goals)?:~~

~~Line 7: Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in the RZ Plan?~~

~~Line 8: Tenant must be leasing space in a building that has been approved as a Zone project: NA~~

Line 9: The new construction or proposed improvements are representative of "High Priority Land Uses" as defined in the RZ Plan: These criteria are defined by four sub-categories, as follows:

***Primary Sector Business*: N/A**

***Active Commercial, Specialty Retail or Destination Commercial*: The proposed project will offer commercial services with high demand in the downtown area.**

***Mixed Use Development*: N/A**

(4 / 10 points)

Line 10: The investment is located in a 'Target Area' as defined by the RZ Plan:

1) Parcels that have been vacant or underutilized for an extended period of time:

The proposed project will provide investment in a property that is soon to be vacated by the city. The renovation of the building will provide opportunities for several more intense uses.
(5/5 points)

2) Parcels specifically targeted for clearance:

The RZ Plan designates Block 8 as being appropriate for clearance and redevelopment. The proposed project meets these objectives by redeveloping an existing building for future commercial uses.
(5/5 points)

(10 / 10 points)

Line 11: The project will create civic space or public space and/or will enhance pedestrian connectivity, streetscape amenities or will contribute to street level activation:

This project will contribute to street level activation by adding more residents to the downtown area.

(9 / 10 points)

Line 12: Consideration and analysis as to the total actual investment in the project:

As proposed, the rehabilitation project and improvement costs exceed both the 50% (true and full value of the building) and $40 per square foot requirement. As previously noted, the application represents a total estimated investment of $669,602.

(10 / 10 points)

Line 13: Consideration as to whether the project will include or accommodate the relocation of a business from another North Dakota community:

The project does not involve the movement or relocation of a business from another North Dakota community.

(10 / 10 points)

Line 14: Is the project located within a historic district? Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective?

This property is located outside the boundary of the Downtown Historic District. The proposed rehabilitation project will contribute to enhancing the aesthetics of the area.

(8 / 10 points)

Summary:

This application received a score of 90 on a 100-point scale. The applicant met all required criteria and the use is consistent with the RZ Plan. In addition, the proposed rehabilitation project surpasses the local capital improvement requirement of $40 per square foot capital improvement for commercial rehabilitation. New construction must meet $100 per square foot capital investment threshold.

This project is consistent with the RZ Plan as activity generators and walkable districts are important initiatives highlighted in the plan. The proposal will increase activity and contribute to the vitality of the downtown area along 4th Street North.

The amount invested in the project exceeds state and local guidelines. The project does not involve the relocation of commercial businesses from another North Dakota city. The applicant is not seeking historic preservation tax credits.

This project will make use of a structure that is currently underutilized. Staff believes that this project will be a benefit to the downtown community and will positively contribute to the health of surrounding businesses.

Suggested motion:

Recommend approval to the Fargo City Commission to approve the application submitted by Ruby Rules, LLC and to grant the property tax exemption and the State income tax exemptions as allowed by the ND Renaissance Zone law contingent upon completion of the project and verification of costs.

Renaissance Zone Scorecard Minimum Criteria (Rehabilitation Project)			
		Possible Rating	Staff Rating
1	Use consistent with the plan (as per Vision and Goals)	10	9
2	Exterior rehabilitation sufficient to eliminate any and all deteriorated conditions that are visible on the exterior of the building	10	10
3	Re-investment that totals no less than 50 percent of the current true and full valuation of the building	10	10
4	The investment totals at least $40 in capital improvements per square foot for commercial properties or $25 in capital improvements per square foot for residential properties (The authority may waive the square foot investment requirement for certain projects)	10	10
Minimum Criteria (Proposals involving new construction or additions)			
6	~~Use consistent with the plan (as per Vision and Goals)~~	~~NA~~	~~NA~~
7	~~Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in the RZ Plan?~~	~~NA~~	~~NA~~
8	~~Tenant must be leasing space in a building that has been approved as a Zone project~~	~~NA~~	~~NA~~
Project Review Guidelines			
9	The new construction or proposed improvements are representative of "High Priority Land Uses" as defined in the RZ Plan: • Primary sector business • Active Commercial, Specialty Retail and/or Destination Commercial • Mixed use development (combination of housing, commercial, and/or retail uses in a horizontal or vertical fashion) • Large, upscale residential units	10	4
10	The investment is located in a 'Target Area' as defined by the RZ Plan: • Parcels that have been vacant or underutilized for an extended period of time • Parcels specifically targeted for clearance	10	10
11	The project will create civic space or public space and/or will enhance pedestrian connectivity, streetscape amenities or will contribute to street level activation: • Incorporation of "civic" or "public" space within a redevelopment proposal will receive additional consideration • Demonstrated commitment to strengthening pedestrian corridors and issues of "connection" • Attention to streetscape amenities • Contribution to street activity	10	9
12	Consideration and analysis as to the total actual investment in the project: • Consideration can be given for the level of capital investment in a project. (i.e., additional consideration can be given for higher levels of investment)	10	10
13	Consideration as to whether the project will include or accommodate the relocation of a business from another North Dakota community: • Commercial tenants that are re-locating within the Downtown Area (as defined by the 1996 Downtown Area Plan) are not eligible for tax incentives without special approval from the Zone Authority • Commercial tenants that are relocating from a North Dakota community (other than Fargo) to the Fargo Renaissance Zone are not eligible for tax incentives without special approval from the Zone Authority.	10	10
14	Is the project located within a historic district? Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective? • Although not included in the Project Review Guidelines, historic preservation is considered an important component of downtown projects even when Historic Preservation and Renovation Tax Credits are not being requested.	10	8
Total Rating (100 possible points)		**100**	**90**

6 AVE N
5 ST N
3 ST N
3 ST N
BURRELL CT N
2 ST N
Subject Properties
5 ST N
4 AVE N
4 ST N
3 AVE N
2 AVE N
3 ST N

APPLICATION FOR RENAISSANCE ZONE

Property owners, business owners, developers or investors interested in pursuing a Renaissance Zone project should review the *2015 RZ Plan*. The RZ Plan delineates the current geographical boundaries of the program (only certain blocks within the downtown core are included) and provides additional detail on minimum investment requirements and applicable program goals and objectives that must be met.

Contact Information

Name (*printed*): Derek Harnish

Address: 1118 7th St S, Fargo ND

Primary Phone: 701-893-5285

Alternative Phone: 701-235-6075

Email: dwharnish@gmail.com

Representation Information *(if applicable)*

Name (*printed*): Mike Wickham

Address: 2754 Brandt Dr. S, Fargo ND

Primary Phone: 701-281-5641

Alternative Phone: 701-541-7321

Email: mikew@starionbank.com

Location of property involved in the application decision

Address or Parcel Number: **321 4th St N, Fargo, ND 58102**

Legal Description (*attach separate sheet if more space is needed*): **Lot:1 Block:2 ND Urban Renewal #1 Lot 1 Blk 2**

Application Type (Please place "X" next to corresponding application type requested)

New Construction ____
Rehabilitation __X__
Residential Purchase ____
Lease ____

Project Description *(Brief project summary)*

Ruby Rules LLC plans to purchase and renovate the existing structure which will then be occupied by Riverview Family Dental PC and Ecce Yoga.

Acknowledgement – We hereby acknowledge that we have familiarized ourselves with the rules and regulations to the preparation of this submittal and that the forgoing information is true and complete to the best of our knowledge.

Owner (*Signature*): _____ Date: 3/29/18

Representative (*Signature*): _____ Date: 4/5/18

Office Use Only

Date Filed: _____ Planning Office Contact: _____

THE CITY OF Fargo FAR MORE

CITY OF FARGO
RENAISSANCE ZONE PROJECT APPLICATION INSTRUCTIONS

REHABILITATION OR PURCHASE (NEW CONSTRUCTION)

Please note that this application must be approved by all local and state review entities prior to beginning rehabilitation work.

1. Completion of Cover Sheet
2. Street address, legal description, and Renaissance Zone Block number of proposed project. If the proposed project involves more than one parcel, please provide relevant information for each parcel.

   321 4th St N, Fargo, ND 58102

   Lot: 1 Block: 2 ND Urban Renewal #1 Lot 1 Blk 2

   Renaissance Zone Block #8
3. Current property owner(s).

   DFI Commerce, LLC
4. Name of applicant(s), mailing address, phone, email and type of entity (partnership, LLC, S-corporation, etc.).

   Ruby Rules, LLC
   Derek Harnish and Brenda Weiler
   1118th St S
   Fargo, ND 58103
   701-893-5285

5. Current use of property

   Commercial Office – City of Fargo
6. Square footage of the lot and of the building (list each floor separately)

   15,000 sq. ft. – Lot
   5,781 sq. ft. - Building

7. Describe the impact this project has on any historical properties

   The project will provide a complete renovation to the interior of the building and will be occupied by Riverview Family Dental and Ecce Yoga. The building tenants have a strong reputation in the community and the transition into this property will continue to vitalize downtown Fargo. The project will have minimal impact to the exterior of the building which will maintain the historic feel along with restoring any deteriorated conditions.
8. Type of project (purchase, rehabilitation, lease, purchase with major improvements, historic preservation and renovation, or a combination).

   Purchase with major improvements.

9. Project Description. Describe scope of work, including a detailed cost estimate of the work to be completed, and justification that the improvements will meet the State's 50% investment criteria.

   Capital improvements are estimated to exceed the City's investment guidelines. The guideline would require a capital improvements of $231,240 based on the size of the building. The preliminary cost sheet shows capital investments of $669,602.50.

Please provide a break out of "capital improvements", as defined in **Attachment A**, and justification that the project will meet the City's investment guidelines.

Also, describe anticipated tenant mix and the expected date of occupancy, completion, lease, or rehabilitation.

The property will be occupied by Riverview Family Dental PC (Dr. Derek Harnish) and Ecce Yoga (Brenda Weiler). Dr. Harnish has been a practicing dentist in the Fargo community for 10+ years and has a strong client base. His current office is located about 5 blocks south of this property. Brenda has been providing Yoga classes in downtown Fargo for several years.
Riverview Family Dental and Ecce Yoga will occupy the space approximately 6-8 months after the purchase.

If this is a residential purchase project, will this be your primary residence?

10. Describe how the project enhances the stated Renaissance Zone goals and objectives, being as specific as possible (**Attachment B**)

11. Extent of the exterior rehabilitation (demonstrated improvement to "public" face of building) – include plans and/or renderings, if available

The exterior rehabilitation will maintain the historic design and repair any deteriorating conditions.

12. Describe how the project fits under the Zone's development guidelines (**Attachment C**)

High Priority Land Use: Active Commercial, Specialty Retail and/or Destination Commercial – The building will be occupied by Riverview Family Dental and Ecce Yoga which will create retail/commercial activity in downtown Fargo. The dental practice and yoga/wellness studio will provide an increase in economic vitality that will serve the downtown community and beyond.
Targeted Area: The property will be vacant in the upcoming months when the City of Fargo no longer needs the space. The property will then become owner occupied if/when the dental practice and yoga studio move in. Since the property will be owner occupied the chances of having a long term tenant are much greater especially when considering the investment the applicant is making to the property.
Investment: Applicant is making a significant investment into the project. It is estimated that over $690,000 in capital expenditures and a total investment of over $1,400,000. The project significantly exceeds the minimum investment threshold.
Relocation: Riverview Family Dental PC currently leases space at 100 4th St S in Fargo. The applicant, Ruby Rules, LLC currently does not have any real estate holdings and is a new business entity. The relocation of the business will provide more space and greater visibility for his practice.

13. List of public and private financial commitments. If the project is funded by the Renaissance Zone Fund, describe type of funding and amounts.

Starion Bank and Small Business Administration intend on financing the project for the applicant. The credit file is currently in underwriting.

14. Estimated tax impact of Zone incentives to the applicant: List the current true and full value of the building, the current annual property tax on the building, the estimated value of the building after improvements have been completed, and the estimated five-year impact. Estimate the potential annual income tax savings.

True and Full Value (2018): $680,000
Annual Property Tax (2017): $7,824.24
Estimated Value: $2,200,000
5-Yr Property Tax Impact: Approximately $157,000

15. Provide evidence that the applicant is current on state and local taxes (Certificate of Good Standing from State Tax Commissioner (**Attachment D**) and receipt showing proof that local taxes have been paid.

Request for Renaissance Zone Certificate of Good Standing or State Tax Clearance Record has been completed and will be submitted within 24 hours. The applicant business entity was filed on 3/6/2018 so there will be no tax record 2017 or prior years.

Submit Project Proposals to:
Department of Planning and Development, 200 N 3rd Street, Fargo, ND 58102
Phone 701-241-1474

Please complete the following that apply:

A. Is the proposed use of the project consistent with the RZ Plan (as per Visions and Goals)? As noted in the 2015 Renaissance Zone Development Plan the desired land use on **Block #8** will contribute to a number of goals and objectives as outlined in the RZ Plan as follows:

1. *Activity Generator [goal]*: Will the project develop activity-generating enterprises along major commercial corridors of the Renaissance Zone? If true, how?
   The proposed project will create additional activity along 4th St and 4th Ave in downtown Fargo. This project coupled with the new Fargo City Hall and City Centre Lofts will create a significant amount of activity between Broadway and the Red River. The project is located within 2-3 blocks of the two main corridors(Broadway & NP). The building will be open and serving the public 7 days a week- mornings, afternoons and evenings.

2. *Walkable Districts [goal]*: Will the project create "walkable districts" that integrate a wide range of activities and land uses that encouraging on-street activity? If true, how?
   The project will increase the 'livability' and 'walkability' of downtown by bringing services that are needed to an area that is losing these types of businesses to the rapid development of other areas of the city. Helping enhance downtown as more that the place to be for entertainment, but also a fully realized walkable community. A place where people can walk to attain full body, whole health wellness as well as shop, dine and live.

3. *Ground Floor Uses [goal]*: Will the project reserve ground floor land uses to those that will encourage streets to come to life – shops, offices, cafes, restaurants and other "public" facilities? If true, how?
   The parking lot in the back of the building could serve as an outdoor meeting area for community-wide cultural and social justice gatherings which would be facilitated primarily by Ecce Yoga.

4. *Neighborhood Center [goal]*: Will the project make "Broadway" Fargo's "Main Street" – a pedestrian-friendly, mixed-use magnet that anchors downtown neighborhoods? If true, how?
   The project will not have a direct impact on Broadway but will continue to revitalize the surrounding artery streets that feed into Broadway and improve the overall sense of community. The project will be pedestrian friendly and be a long term anchor to downtown.

5. *Urban Design [goal]:* Will the project the projects embody strong urban design principles inclusive of building massing and form, building materials, pedestrian orientated design, streetscape, building orientation and recognition of the importance of defined block corners, architectural style, high building coverage percentages, limited setbacks or downtown district appropriate setbacks, design longevity and street level transparency? If true, how?
   The project is currently in the preliminary design phases but the applicant intends to maintain much of the design elements to maintain the historic feel along with eliminating any deteriorating exterior conditions. The project will respect the past design elements with modern updates.

6. *Transportation [goal]:* Will the project manage downtown transportation, accessibility and parking issues in a manner that will allow for further commercial developments and make the entire area more user-friendly. If true, how?
   Due to off street parking availability allowing access to these resources there will be minimal impact on downtown transportation issues.

7. *Safe Streets – Safe Neighborhoods [goal]*: Will the project encourage safe streets and safe neighborhoods by relying on and utilizing the "natural surveillance" of lively and active streets? If true, how?
The applicant will focus on creating a safe area for their clients, customer and employees. . The location of the project is near the local police station and near the new city hall. The project will also create lively pedestrian traffic due to offering yoga classes throughout the evening and on weekends

8. *High Quality Housing [goal]:* Will the project continue to encourage the production of unique, high quality housing that is developed in areas targeted for residential development or as a component of a mixed-use project? If true, how?
Proposed project will not include any residential housing.

9. *Infill [goal]:* Will the project encourage and actively pursue projects that increase the productivity of underutilized property such as surface parking lots, vacant land and parcels with low building to land value ratios? (Infill projects shall conform and be consistent with urban design principles as set forth in Goal 5 above.) If true, how?
The proposed project will not have an impact on infill but will rather improve the pedestrian activity and revitalized an underutilized property in downtown Fargo.

10. *Housing Amenities [goal]:* Will the project integrate quality housing with public open space and neighborhood amenities, requiring the enhancement of existing amenities in conjunction with the creation of new ones? If true, how?
Project is not providing housing.

11. *Downtown Entryways [goal]:* Will the project enhance auto entry experiences with landscaping improvements to all major corridors (Broadway, Roberts St, 1st/NP Avenue, Main Avenue) and gateway statements at Broadway/Main Avenue, Broadway/6th Ave N, 1st Avenue/Red River, Main Avenue/Red River and Main Ave/10th Street N? If true, how?
The project will improve the landscape of the property but is not located at any of the major corridors.

12. *The Place to Be [goal]:* Will the project make downtown the entertainment/cultural/recreational center of the city, a key destination for visitors/conventioneers, and a key destination for residents? If true, how?
The continued revitalization of properties in downtown Fargo contribute to making it a destination and "The Place to Be". Residents and non-residents will view Riverview Family Dental and Ecce Yoga as a destination. Riverview Family Dental will bring a modern, state of the art facility to downtown, serving patients who live downtown and beyond with oral health as well as systematic wellness. Healthcare professionals are decreasing in numbers in the downtown area and we aim to create a facility that will remain in the downtown community for many years to come.
Ecce Yoga will serve the downtown community (as well as the surrounding area and visitors) by creating and maintaining health and wellness through yoga/meditation/dance classes as well as by hosting community-wide cultural and social justice gatherings.

13. *A Place Like No Other [goal]:* Will the project highlight the unique historic character of the Renaissance Zone by placing a high value on historic preservation and overall awareness of the history of the area? If true, how?
The 'Chamber' building will be brought back to its aesthetic & architectural glory, respecting the original historic design, updating it for modern use as well as improving the exterior landscaping design and maintenance.

14. *24 Hours a day – 7 Days per Week – 365 Days a Year [goal]:* Will the project design spaces, facilities and features that will attract people to the area both day and night, on weekdays and weekends, and during all seasons of the year? If true, how?
The dental practice will have 'normal' business hours while the yoga studio will have varying hours of operation which will include evenings and weekends.

15. *Connections and Coordination [goal]:* Will the project create strong connections between people, places, and things to do that are vital to creating a strong sense of community? If true, how?
Riverview Family Dental and Ecce Yoga will have significant involvement in the community which will create strong connections between people and businesses in downtown Fargo.

B. Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in this RZ Plan? [note that for mixed-use projects the total square footage should be dissected into commercial and residential totals for comparison to minimum investment thresholds]:

Pursuant to City of Fargo Renaissance Zone standards, in order to qualify for consideration, a project must meet a minimum $25 square foot capital improvement threshold for residential rehabilitation, $40 per square foot capital improvement threshold for commercial rehabilitation, and $100 per square foot for any new construction.

1. The structure accommodates **5,781** square feet, as follows:

   a. **Lot Size: 15,000** SF

   b. **Proposed Building Total: 5,781** SF

   c. **Overall, the application estimates a total capital investment** (cost incurred for the repair, replacement or renovation of a building's: exterior, roof, structure, electrical and/or plumbing systems, heating/ventilation/air conditioning systems, windows, exterior doors, elevator improvements and accessibility. The square footage used to calculate required investment levels will be based on the square footage of the entire building excluding the basement) **of $669,602.50, which calculates to approximately $115.83 per square foot.**

Please complete the following that apply:

A. The proposed development or lease are representative of "High Priority Land Uses" as defined by this RZ Plan (see pg. 29).

1. Is this a Primary Sector Business? If true, how?
No

2. Is this an Active Commercial, Specialty Retail or Destination? If true, how?
The project will contain two active commercial tenants. A dental practice and a yoga studio.

3. Is this a Mixed-Use Development? If true, how?
No

4. Does this development include large, upscale residential units? If true, how?
No

B. Target Area Considerations: consideration shall be given to whether this property has been vacant or underutilized for a period of time and/or whether the property is specifically targeted for clearance.

1) Is this parcels vacant or underutilized for an extended period of time? If true, how?
The property is currently under a short term lease with the City of Fargo until the new city hall is completed. The current owner of the property plans to divest the property from their real estate portfolio. Sale and revitalization of the property would fully utilize the parcel of land.

2) Is this a parcel specifically targeted for clearance in the Renaissance Zone Plan?
Yes

C. Will the project create civic space or public space and/or will enhance pedestrian connectivity, streetscape amenities or contribute to street level activation?
Ecce Yoga will serve the downtown community (as well as the surrounding area and visitors) by creating and maintaining health and wellness through yoga/meditation/dance classes as well as by hosting community-wide cultural and social justice gatherings.

D. Will the proposed project meet investment minimum criteria? How?
Yes, project is expected to exceed the minimum investment criteria by having capital expenditures of approximately $115 per square foot which is nearly 3 times the required amount.

E. Will the proposed project accommodate the relocation of a business from another North Dakota community? If true, how?
No, Riverview Family Dental is a Fargo based business and will be moving from a leased space south of Main Ave in Fargo to the proposed location.

F. Is the project located within a historic district? Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective? If true, how?
Unknown – The project will maintain the original historic design.

STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
RYAN RAUSCHENBERGER, COMMISSIONER

March 29, 2018 Ref: L1131467520

DEREK W HARNISH
RUBY RULES LLC
1118 7TH ST S
FARGO ND 58103-2712

RE: Renaissance Zone Certificate Of Good Standing, State Income And Sales Taxes Only

This letter is evidence of good standing as required by the North Dakota Division of Community Services for purposes of obtaining final approval of a renaissance zone project.

As of the date of this letter, the records in the North Dakota Office of State Tax Commissioner do not show probable cause to believe that any income taxes (including income tax withheld from wages) or sales and use taxes are due and owing to the State of North Dakota by the following taxpayer:

Taxpayer's Name: RUBY RULES LLC
SSN or FEIN: 82-4778659

The enclosed copy of this letter must be submitted (as part of the zone project application) to the local zone authority for the renaissance zone in which the proposed zone project will be located. Please keep this original letter for your records.

/s/ Lorie Bowker
Lorie Bowker
Supervisor, Individual Income Tax and Withholding
Phone: (701) 328-1296
Email: lbowker@nd.gov

Enc.

2334 UNIVERSITY DRIVE
FARGO, ND 58103
701.478.4400

SCHEMATIC DESIGN ESTIMATE

Date: 2.19.2018
Job: **HARNISH DDS**
Job #: **1798**
Estimate Drawings: 2.7.2018 Floor Plan and Elevation

1	General Requirements	$55,000.00
2	Demolition	$33,600.00
2.82	Asbestos Removal Allowance	$52,000.00
3	Concrete & Floor Preparation	$24,000.00
5	Ornamental Metals	$0.00
6.1	Framing, Insulation and Gypsum Work	$61,165.00
6.2	Finish Carpentry Labor	$32,000.00
6.21	Architectural Woodwork, Interior Doors & Hardware	$44,200.00
6.4	Cabinetry and Countertop Allowance	$50,000.00
7.2	Sealants and Specialty Insulation	$17,000.00
7.5	Replace Ballasted Roof	$60,750.00
8.8	Glazing Allowance	$42,500.00
9.3	Tile Flooring and Walls	$40,425.00
9.51	Acoustic Ceiling Tile	$8,000.00
9.64	Carpet & Resilient Flooring	$17,100.00
9.9	Painting	$31,500.00
10.1	Visual Displays & Signage Allowance	$20,500.00
10.5	Fire Protection & Postal Specialties	$1,150.00
10.8	Toilet & Bath Specialties	$6,950.00
11.45	Appliances Allowance	$4,500.00

12	Furnishings, Equipment, Window Treatments, etc.	$0.00
22	Plumbing	$75,000.00
23	Heating, Venting & Air Conditioning	$205,000.00
26	Electrical	$128,500.00
27.4	Audio Video Allowance	$25,000.00
28	Alarm System Allowance	$5,500.00
32.9	Landscaping & Exterior Improvements Allowance	$12,500.00
	SUBTOTAL	$1,053,840.00
	CM FEE 20%	$210,768.00
	ESTIMATED CONSTRUCTION SUBTOTAL	$1,264,608.00
	ARCHITECTURE AND CONSULTANT FEE ALLOWANCE	$104,625.00
	FURNITURE, FIXTURES & EQUIPMENT *(excluding dental equipment)*	$48,100.00
	ESTIMATED CONSTRUCTION TOTAL	$1,417,333.00

Estimate Qualifications:

1 This estimate is based upon historical cost information/square foot costs, and labor and material take offs based upon the drawings and specifications listed.

2 The estimate is contingent upon market conditions and material costs.

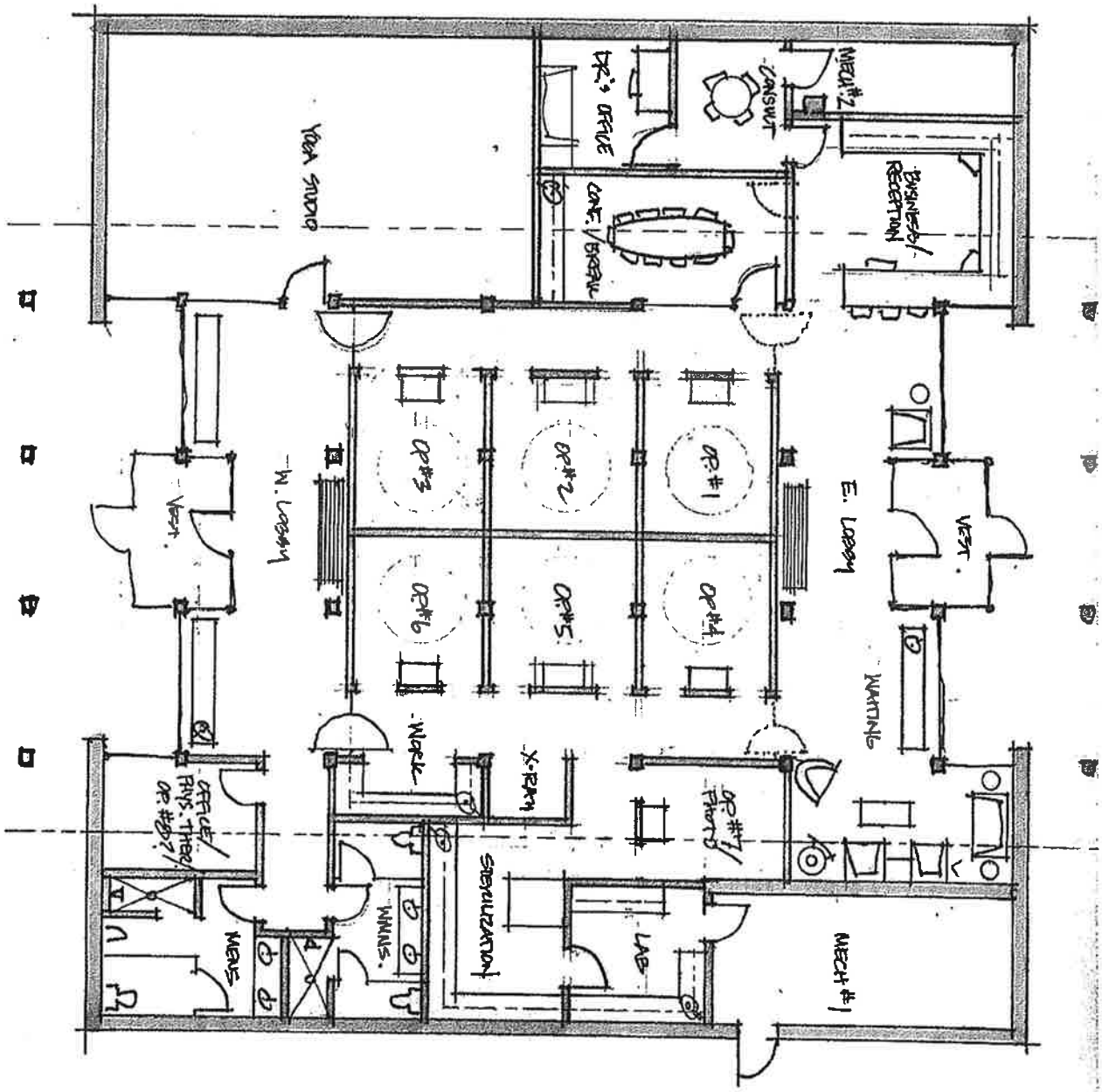
3 Allowances are developed to assist with budget maintenance until final design decisions are completed.

4 This estimate is based upon Construction Manager as Adviser delivery.

5 This estimate does not include design costs or other consultant fees.

6 A contingency of 15% is to be added to the Estimated Construction Total after reception of bids.

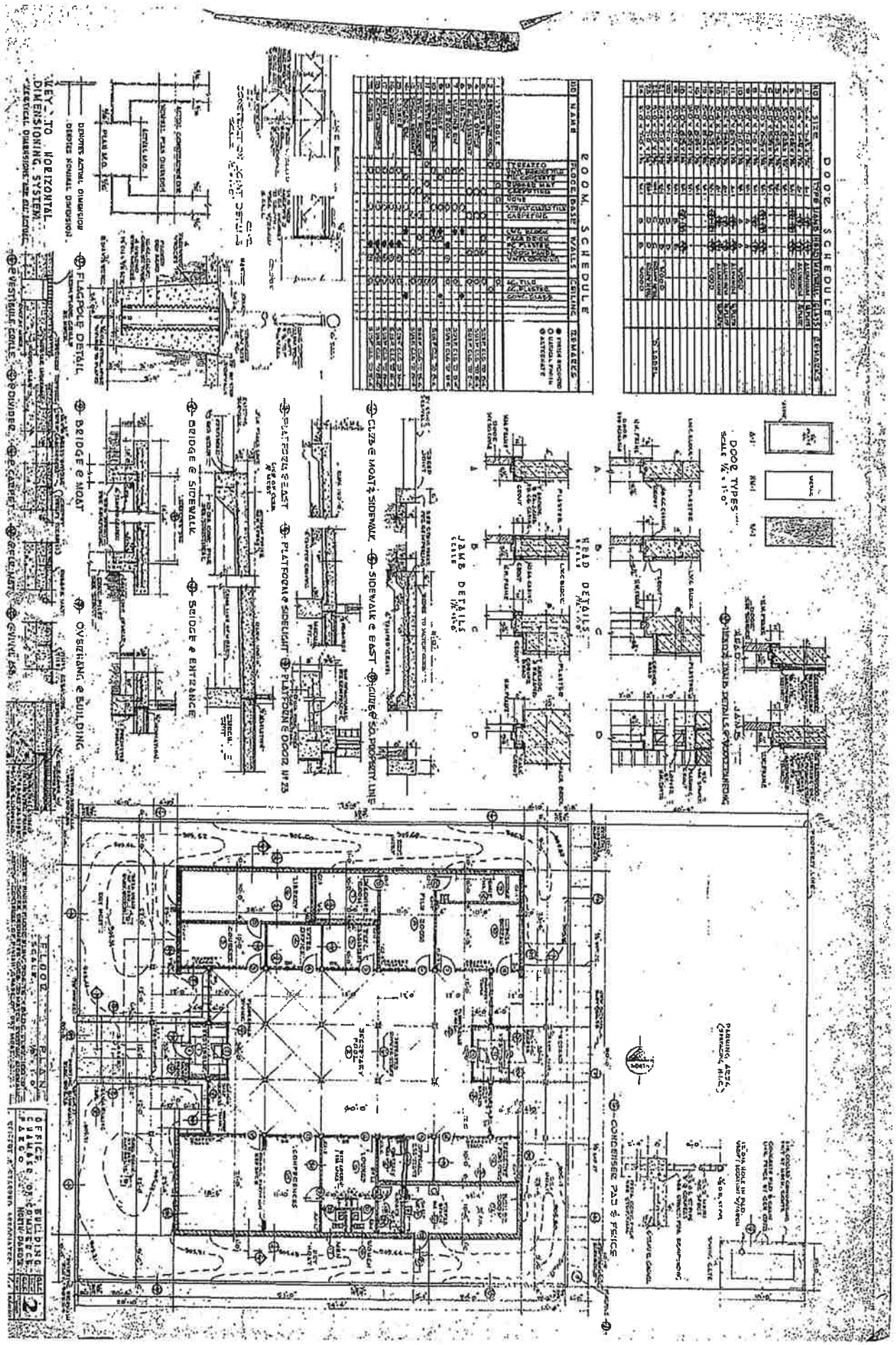
7 This estimate does not include specially equipment, artwork or FF&E unless noted above.

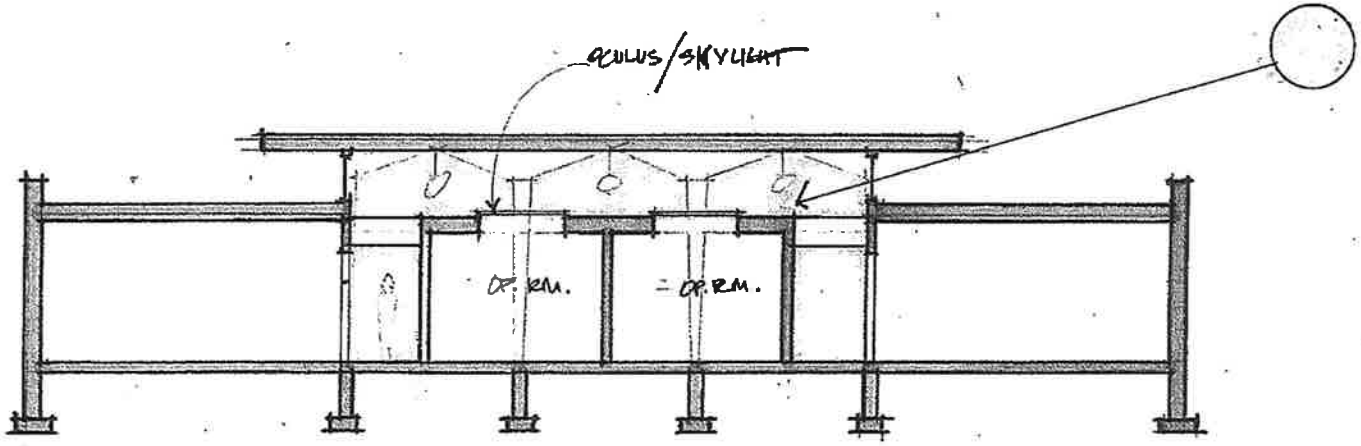


HARNISH/WEILER 1/8"=1'-0"

CHRIS HAWLEY ARCHITECTS
2534 UNIVERSITY DR. S SUITE #3
FARGO, ND 58103

(701) 478-4600
CH@CHRISHAWLEYARCHITECTS.COM


DOOR SCHEDULE
ROOM SCHEDULE
DOOR TYPES
HEAD DETAILS
JAMB DETAILS
FLAGPOLE DETAIL
BRIDGE @ MOAT
BRIDGE @ SIDEWALK
BRIDGE @ ENTRANCE
PLATFORM @ EAST
PLATFORM @ SIDELIGHT
PLATFORM @ DOOR No 23
CURB @ MOAT & SIDEWALK
SIDEWALK @ EAST
CURB @ SO. PROPERTY LINE
CONDENSER PAD & FENCE
FLOOR PLAN
OFFICE BUILDING
CHAMBER OF COMMERCE
FARGO NORTH DAKOTA



HARNISH/WEILER 1/8"=1'-00"

CHRIS HAWLEY ARCHITECTS
2534 UNIVERSITY DR. S SUITE #3
FARGO, ND 58103

(701) 478-4600
CH@CHRISHAWLEYARCHITECTS.COM

24

City of Fargo Staff Report			
Title:	Cityscapes Business Park	**Date:** **Updated:**	11/1/2017 11/29/2017 2/1/2018 2/28/2018 3/28/2018 5/2/2018
Location:	1910, 1968, and 2068 1st Avenue North	**Staff Contact:**	Donald Kress, planning coordinator
Legal Description:	Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W		
Owner(s)/Applicant:	Bullinger Enterprises/ Rick Flacksbarth	**Engineer:**	Moore Engineering, Inc.
Entitlements Requested:	**Minor Subdivision** (Replat of Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W and Subdivision Waiver for drain setback on Lot 1, Block 1 of the proposed plat)		
Status:	City Commission Public Hearing: May 7, 2018		

Existing		Proposed
Land Use: Former Cretex concrete facility; now warehouse and outdoor storage		**Land Use:** Business park
Zoning: LI, Limited Industrial		**Zoning:** No change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.		**Uses Allowed:** No change
Maximum Lot Coverage Allowed: 85%		**Maximum Lot Coverage Allowed:** No change

Proposal:

Project History Note: This project was continued from the November 7 and December 4, 2017 and January 4, 2018 Planning Commission agendas. This project was heard at the February 6, 2018 Planning Commission meeting; the Commission moved to continue the project to the March 6, 2018 Planning Commission meeting and subsequently to the April 3, 2018 Planning Commission meeting.

The applicant requests a minor subdivision, entitled **Cityscapes Business Park Addition** which is a replat of Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying

between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W into a one lot, one block subdivision. The applicant also requests a Subdivision Waiver to waive the requirements of the drain setback and dedication from the legal drain that crosses the property and reduce the setback from 175 feet on either side of the drain centerline (total of 350 feet). This is in reference to Section 20-0610 of the LDC (referenced below). The city engineer has determined that the 35-foot setback from the centerline of the drain (70' total) is the minimum necessary for future maintenance of the pipes in this underground drain.

Staff has requested an updated site plan depicting the 70-foot easement on this property in order to understand how the legal drain relates to the proposed development.

The property is zoned LI, Limited Industrial. No zone change is proposed.

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: Across 1st Avenue North, LI, Limited Industrial and GC, General Commercial, with warehouse and office uses
- East: LI, Limited Industrial and GC, General Commercial, with warehouse and vacant land uses
- South: GC, General Commercial, with Burlington Northern Santa Fe railroad use.
- West: LI, Limited Industrial with warehouse, light manufacturing, and vacant land uses

Area Plans:

No area plans apply.

Schools and Parks:

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

Neighborhood: The subject property is located within the Madison neighborhood.

Parks: Unicorn Park (1603 3rd Avenue N) is located approximately less than 1,000 feet northeast of the subject property and offers the amenities of basketball, grill, multipurpose field, picnic table, playgrounds, and recreational trails.

Pedestrian / Bicycle: An off-road bike facility is located along 1st Avenue North and is a component of the metro area trail system.

Staff Analysis:

ACCESS: The lot will take access from 1st Avenue North, an existing dedicated public street.

PUBLIC WATER AND SEWER: Public water and sewer are available in 1st Avenue North.

SUBDIVISION WAIVER FOR DRAIN SETBACK: Cass County Drain No. 3 passes through the eastern portion of the subject property underground. As this is a legal drain, a 175 foot setback from either side of the centerline of the drain would be required pursuant to Section 20-0610 of the Land Development Code (LDC). The subdivision waiver is for modification of this drain setback requirement; specifically, that

the requirement for the 175 foot setback from the centerline of the drain be reduced to a setback of 35 feet on either side of the drain centerline, for a total of 70 feet.

BACKGROUND ON THE DRAIN SETBACK REQUIREMENT
Based on the applicant's request, the City Engineering department reviewed the need to be able to access the legal drain. The drain is physically two 72-inch wide pipes approximately 15 feet deep. While the drain is part of the legal storm water requirements and governed by the Southeast Cass Water Resource District, the pipes are within the city limits. Thus, the City of Fargo is required to maintain access and also be prepared to maintain and replace the pipe if needed. As such, the City Engineer reviewed the proposed development and contends that a reduction of the 175-foot setback is reasonable. The City Engineer originally determined that an 80' total width (40 feet on either side of the drain centerline) is needed for safe and secure access. Upon reviewing the proposed site plan layout, the City Engineering office agrees to be able to modify the alignment of the easement as it relates to the northeast corner of the northern most building in order to accommodate the development as proposed. The applicant originally contended that even the reduced drain setback of 40 feet on either side of the drain setback impedes his plan to develop the property in certain ways and reduces the value of his property and as such contends that the City should purchase the rights to maintain and access the drain. Further discussion with the applicant and review by City departments has concluded that at 70-foot wide drain setback (35 feet on either side of the drain centerline) provides safe and secure access for maintenance of the underground pipes and is acceptable. The applicant has revised to the plat to depict this easement in the configuration approved by the City Engineer.

LAND TITLE INFORMATION:
In the review of the plat and application materials, the title opinion review discovered parcels within the boundary of this proposed plat that are owned by the City of Fargo. In research, it is believed the property came back to the City for unpaid taxes in the 1960's. At some point later, property taxes were paid. The County and City Auditor and Assessor files do not provide clarity in this issue. Further work by the City, in cooperation with the Cass County Auditor, has brought about a mechanism to resolve this matter, as noted in "Activity Since the February 6, 2018 Planning Commission Meeting" below.

ACTIVITY AT THE FEBRUARY 6, 2018 PLANNING COMMISSION MEETING
At the February 6, 2018 Planning Commission meeting, the Commission heard the project as presented by staff. Applicant Rick Flacksbarth, Cityscapes Development, spoke on behalf of the application. Discussion was held on the history of the property and the buried drain, the purpose and necessity of the City's minimum requested easement, and the pending legal issues on the property. Mr. Flacksbarth distributed a handout to the Board of the drain easements along the line of the drain above and below the property. The Commission moved to continue this project to the March 6, 2018 Planning Commission meeting as it seemed to the Commission that the drain width and legal issues had not been resolved.

ACTIVITY SINCE THE FEBRUARY 6, 2018 PLANNING COMMISSION MEETING
Since the February 6, 2018 Planning Commission meeting, staff, including the city attorney, have continued their research into and evaluation of the drain width requirement and the land title history of this subject property. Staff has determined that a 70-foot easement width (35 feet on either side of the drain centerline) will be sufficient to provide safe and secure access for maintenance to the underground drain pipes, and the applicant has revised the plat to indicate this easement. Regarding the land title item described above, further work by the City, in cooperation with the Cass County Auditor, has determined that this item can be resolved through the City granting the applicant a quit-claim deed for the City-owned property. This deed must be approved by the City Commission; the City Attorney intends to present this deed at an upcoming City Commission meeting. The plat will not be recorded without approval of this deed. City Commission approval of this deed is a contingency of approval of this plat.

ACTIVITY SINCE THE APRIL 3, 2018 PLANNING COMMISSION HEARING
Subsequent to the Planning Commission's recommendation for approval with the contingency regarding the quitclaim deed, the city attorney has prepared this quitclaim deed. This deed is included in this package. The applicant has reviewed the draft deed and found it acceptable. The approval motion includes the recommendation for the City Commission to approve the quitclaim deed.

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The subject property is not located within an area plan. The zoning for the project site is LI, Limited Industrial. This zoning will accommodate the proposed business park development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone call from the public regarding this property. The caller asked for information and did not oppose the project. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. These departments have found that the plat meets the standards of Article 20-06 and other applicable requirements of the Land Development Code, and depicts the reduced drain setback requirement of a 35-foot setback on either side of the drain centerline established by the city engineer.
   (Criteria Satisfied)

2. **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.**
   While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

The LDC stipulates that the following criteria are met before a subdivision waiver can be approved:

1. **Section 20-0907.D.3.a of the LDC stipulates that a Subdivision Waiver must not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.**
   The City Engineer has determined that the 35- foot setback on either side of the drain centerline is sufficient to provide access for maintenance to this underground drain. The City Engineer has directed that there be no utility crossings of the drain setback except at the north and south ends. Paving of parking areas or roadways can be done over the setback area. The plat depicts this easement in the configuration approved by the City Engineer.
   (Criteria Satisfied)

2. **Section 20-0901.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.**

As this is an underground drain, the City Engineer has determined that the 35-foot wide setback on either side of the drain centerline, to provide access for maintenance, is sufficient; the full 175 foot setback on either side of the drain centerline is not necessary in this case. The plat depicts this easement in the configuration approved by the City Engineer.
(Criteria Satisfied)

3. **Section 20-0907.D.3.c of the LDC stipulates that a Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.**
   This subdivision waiver applies only to the drain setback requirements of Section 20-0610 of the LDC for this particular property
   (Criteria Satisfied)

Planning Commission Recommendation: April 3, 2018

On April 3, 2018, by a vote of 9-0 with one Commissioner absent, the Planning Commission voted to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed 1) **Cityscapes Business Park Addition** subdivision plat; and 2) Subdivision Waiver for drain setback, as presented, as the proposal plat meets all of the required criteria for approval of the plat and subdivision waiver for drain setback as noted above, contingent on the City Commission approving a quitclaim deed for City-owned property within this project site."

Staff Recommendation: May 7, 2018

Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission and move to approve the proposed 1) **Cityscapes Business Park Addition** subdivision plat; 2) Subdivision Waiver for drain setback, as presented, as the proposal plat meets all of the required criteria for approval of the plat and subdivision waiver for drain setback as noted above; and 3) the attached quitclaim deed for City-owned property within this project site.

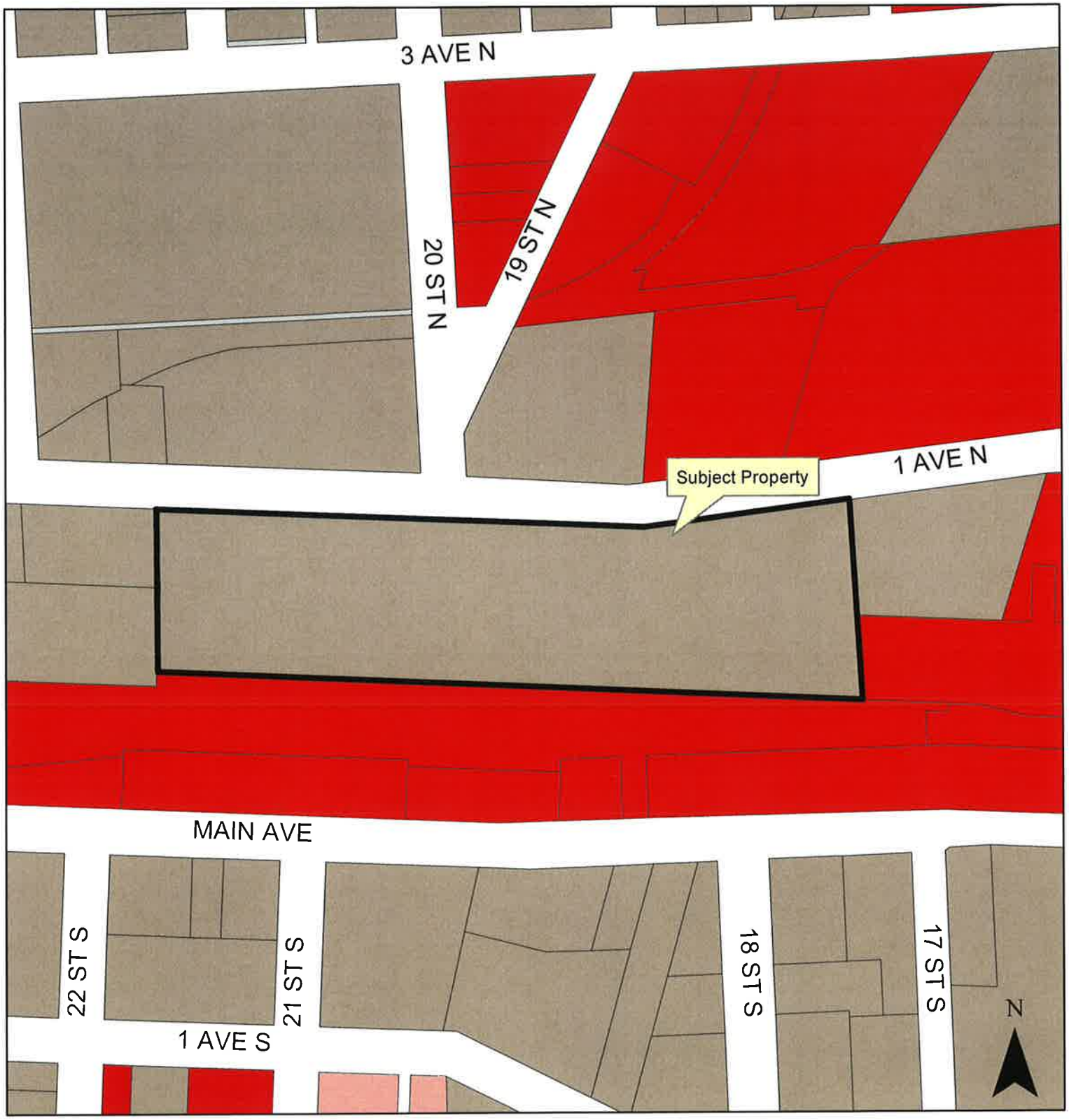
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Quitclaim Deed

Plat (Minor)

Cityscapes Business Park Addition

1910, 1968 & 2068 1st Avenue North



THE CITY OF Fargo FAR MORE

Legend

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

300 Feet

Fargo Planning Commission
November 7, 2017

Plat (Minor)

Cityscapes Business Park Addition

1910, 1968 & 2068 1st Avenue North

THE CITY OF Fargo FAR MORE

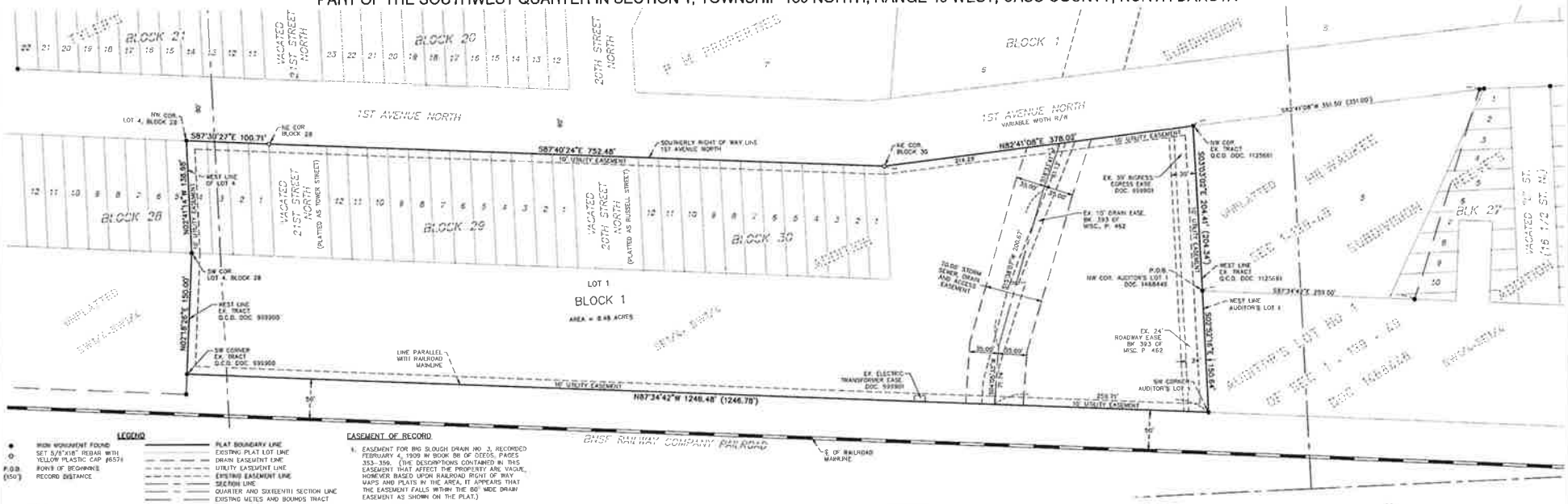
300 Feet

Fargo Planning Commission
November 7, 2017

PLAT OF

CITYSCAPES BUSINESS PARK ADDITION (A MINOR SUBDIVISION)

TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION TO THE CITY OF FARGO AND A PLAT OF PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA



LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP (6571)
- P.O.B. POINT OF BEGINNING
- (150') RECORD DISTANCE
- PLAT BOUNDARY LINE
- EXISTING PLAT LOT LINE
- DRAIN EASEMENT LINE
- UTILITY EASEMENT LINE
- EXISTING EASEMENT LINE
- SECTION LINE
- QUARTER AND SIXTEENTH SECTION LINE
- EXISTING METES AND BOUNDS TRACT

EASEMENT OF RECORD

1. EASEMENT FOR BIG SLOUGH DRAIN NO. 3, RECORDED FEBRUARY 4, 1909 IN BOOK 88 OF DEEDS, PAGES 353-359. (THE DESCRIPTIONS CONTAINED IN THIS EASEMENT THAT AFFECT THE PROPERTY ARE VAGUE, HOWEVER BASED UPON RAILROAD RIGHT OF WAY MAPS AND PLATS IN THE AREA, IT APPEARS THAT THE EASEMENT FALLS WITHIN THE 80' WIDE DRAIN EASEMENT AS SHOWN ON THE PLAT.)

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "CITYSCAPES BUSINESS PARK ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION TO THE CITY OF FARGO AND A PLAT OF PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

LOTS 1, 2, 3 AND 4 IN BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS, ALL IN TYLER'S ADDITION TO THE CITY OF FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA AND THAT PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, SAID COUNTY AND STATE, DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE NORTHWEST CORNER OF AUDITOR'S LOT NO. 1 OF THE SOUTH HALF OF SAID SECTION 1, ACCORDING TO DOCUMENT NO. 1468446, RECORDED JANUARY 20, 2016, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 02 DEGREES 52 MINUTES 16 SECONDS EAST ON A RECORD BEARING ALONG THE WEST LINE OF SAID AUDITOR'S LOT NO. 1 FOR A DISTANCE OF 150.64 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF SAID AUDITOR'S LOT NO. 1, ALSO BEING A POINT ON A LINE WHICH IS 50.00 FEET NORTHERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH, THE CENTERLINE OF THE MAINLINE OF THE BNSF RAILWAY COMPANY'S RAILROAD; THENCE NORTH 87 DEGREES 34 MINUTES 42 SECONDS WEST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 1246.48 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF A CERTAIN TRACT OF LAND AS DESCRIBED IN QUIT CLAIM DEED DOCUMENT NO. 999900, RECORDED NOVEMBER 29, 2001, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE NORTH 02 DEGREES 18 MINUTES 26 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT FOR A DISTANCE OF 150.00 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 28, SAID TYLER'S ADDITION; THENCE NORTH 02 DEGREES 41 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4 FOR A DISTANCE OF 138.98 FEET TO A FOUND IRON MONUMENT AT THE NORTHWEST CORNER OF SAID LOT 4, ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 1ST AVENUE NORTH; THENCE SOUTH 87 DEGREES 30 MINUTES 27 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF SAID BLOCK 28 FOR A DISTANCE OF 100.71 FEET TO AN IRON MONUMENT AT THE NORTHEAST CORNER OF SAID BLOCK 28; THENCE SOUTH 87 DEGREES 40 MINUTES 24 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF BLOCKS 29 AND 30 IN SAID TYLER'S ADDITION FOR A DISTANCE OF 752.48 FEET TO AN IRON MONUMENT AT THE NORTHEAST CORNER OF SAID BLOCK 30; THENCE NORTH 82 DEGREES 41 MINUTES 08 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 378.02 FEET TO A FOUND IRON MONUMENT AT THE NORTHWEST CORNER OF A CERTAIN TRACT OF LAND AS DESCRIBED IN QUIT CLAIM DEED DOCUMENT NO. 1125661, RECORDED DECEMBER 28, 2004, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 03 DEGREES 03 MINUTES 02 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT FOR A DISTANCE OF 204.41 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 8.48 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

REGISTERED LAND SURVEYOR STEVEN W. HOLM LS-6571 DATE NORTH DAKOTA

STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG NO LS-6571

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2018

SHARA FISCHER, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHARA FISCHER, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2018.

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "CITYSCAPES BUSINESS PARK ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION 30 THE CITY OF FARGO AND A PLAT OF PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY, STORM SEWER, ACCESS AND DRAIN EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: BULLINGER ENTERPRISES, L.L.L.P.

BY: _____
TITLE: _____

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF BULLINGER ENTERPRISES, L.L.L.P.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2018

MARK H. BITTNER, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK H. BITTNER, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

N
W E
S

0 60
Scale in Feet

BASIS OF BEARINGS
THE WEST LINE OF AUDITOR'S LOT NO. 1 OF THE S1/2 OF SECTION 1-139-49 HAS A RECORD BEARING OF S02°52'16"E ACCORDING TO DOCUMENT NO. 1468446, ON FILE AND OF RECORD IN THE OFFICE OF THE CASS COUNTY RECORDER.

moore engineering, inc.

SHEET 1 OF 1
PROJ. NO. 19852

QUIT CLAIM DEED

THIS INDENTURE, Made this _____ day of _____, between **CITY OF FARGO, NORTH DAKOTA**, a municipal corporation, Grantor, whether one or more, and **BULLINGER ENTERPRISES, L.L.L.P.**, a North Dakota limited liability limited partnership, Grantee, whose street address is 475 45th Street South, Fargo, ND 58103.

For and in consideration of sum of One Dollar ($1.00) and other valuable consideration, Grantor does hereby QUIT CLAIM to the Grantee, all of the following real property lying and being in the County of Cass, and State of North Dakota, and described as follows, to-wit:

> A tract lying between East line of Block Thirty (30) Tyler's Addition and the center line of Big Slough Drain Three (3) and between First (1st) Avenue North and the North line of Northern Pacific Railway Right of Way, containing .66 acres in the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section One (1), Township One Hundred Thirty Nine (139), Range Forty Nine (49) according to plat on file in the office of the Register of Deeds, Cass County, North Dakota.

This instrument is intended to quit claim all Grantor's right, title, and interest in the above-described property by way of that certain County Deed dated December 23, 1970 and recorded at the Office of the Recorder of Cass County, North Dakota, on January 7, 1971 at 2:09 o'clock p.m. as Document Number 445352.

I certify that the requirement for a report or statement of full consideration paid does not apply because this deed is for one of the transactions exempted by subdivision (h) of subsection 6 of N.D.C.C. 11-18-02.2

DATED: _____ _____

Grantee or Agent

TO HAVE AND TO HOLD, the above quitclaimed premises, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said party of the second part, its heirs and assigns, FOREVER.

WITNESS, the hand of the Grantor:

THE CITY OF FARGO, CASS COUNTY,
NORTH DAKOTA, a municipal corporation

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

ATTEST:

_____
Steven Sprague, City Auditor

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

On this ____ day of _____, 2018, before me, a notary public in and for said county and state, personally appeared TIMOTHY J. MAHONEY, M.D. and STEVEN SPRAGUE, to me known to be the Mayor and City Auditor, respectively, of THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, a municipal corporation, described in and that executed the within and foregoing instrument, and acknowledged that said municipal corporation executed the same.

_____
Notary Public
Cass County, North Dakota

(SEAL)

The legal description was obtained from
a previously recorded instrument.

This document prepared by:

Erik R. Johnson
City of Fargo Attorney
505 Broadway Street North, Suite 206
Fargo, ND 58102
(701) 280-1901

CITY OF Fargo

25

OFFICE OF THE CITY ADMINISTRATOR
Bruce P. Grubb

May 3, 2018

MEMORANDUM

To: City Commission
From: Bruce P. Grubb, City Administrator BPG
Re: Drain 27 Improvements and Sheyenne River Water Permit

Background:

At the October 23, 2017, City Commission meeting, the Commission passed a resolution approving a new loan application for a Clean Water State Revolving Fund (CWSRF) loan rated to water infrastructure improvements for Fargo's regional water system. The loan amount was $24 million which included funding for a series of regional infrastructure projects as listed below:

- Drain 27 Improvements
- Water Treatment Plant Phase 2 Improvements
- Ozone System Improvements
- Downtown Water Tower
- Miscellaneous Regionalization Improvements

A new requirement for the CWSRF program is to provide documentation regarding the opportunity for the public to comment prior to issuance of the loan. For that reason, we have scheduled a presentation in front of the City Commission to present the Drain 27 Improvement project and to meet the requirements of the loan.

Related to the Drain 27 improvements is Fargo's permit for water from the Sheyenne River. Currently, the Sheyenne River permit allocation is not sufficient to meet the long-term regional water needs of Fargo's water system. Therefore, in conjunction with the Drain 27 improvements, water utility staff would like to pursue a permit modification for an increased allocation for water from the Sheyenne River.

Drain 27 Improvements:

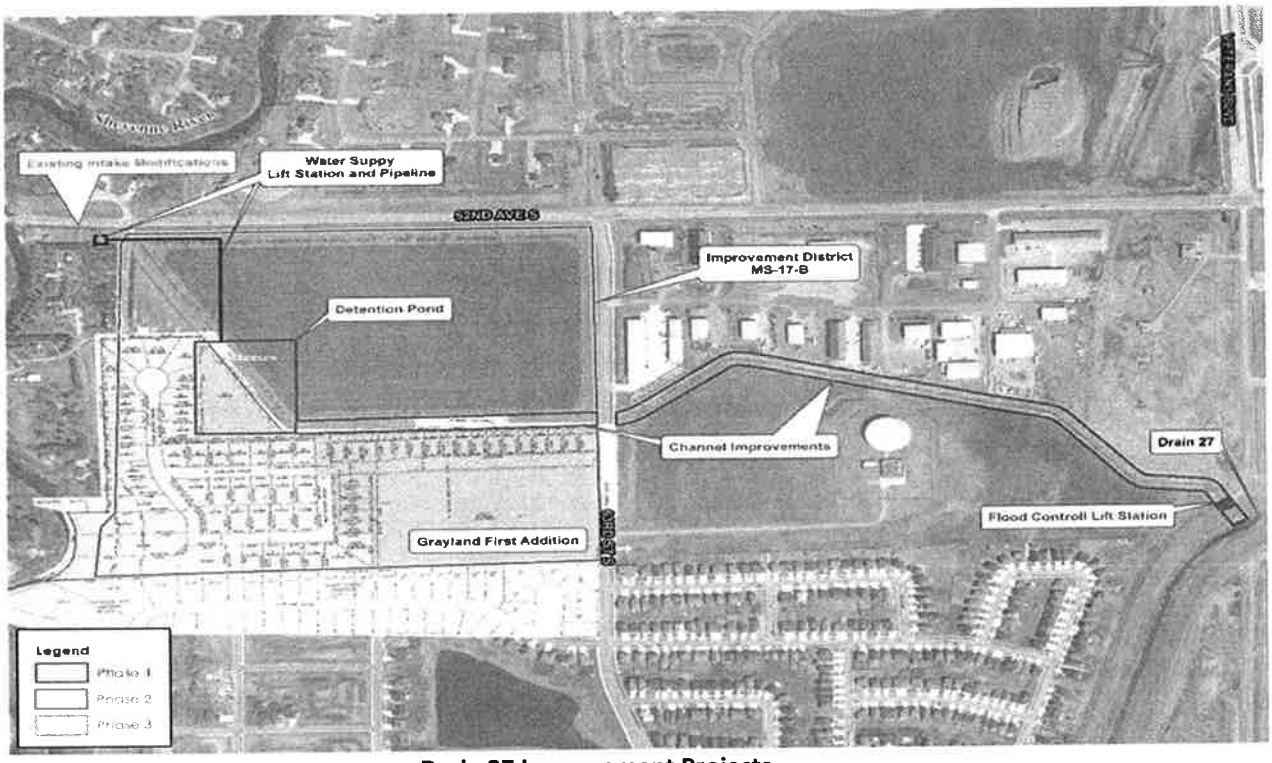
Previous work done by LAWA looking at the transfer of water from the Sheyenne River included a pipeline connection from the Sheyenne River to the Fargo Water Treatment Plant (WTP). However, a drainage channel presently exists between the Sheyenne River and Drain 27. Therefore, Water Utility staff proposed some improvements to the existing drainage channel to enable the transfer of water from the Sheyenne River to Drain 27. The water would enter the Red River upstream of the mid-town dam and intake for the Fargo WTP. The cost of improving the channel between the Sheyenne River and Drain 27 is

far more economical than a pipeline connection to the Water Treatment Plant. In addition, the improved channel would serve a dual purpose for both drainage and water supply.

The Drain 27 improvements include several project components as listed below:

- Ditch/Channel Capacity Improvements
- Regional Detention Pond
- Flood Control Lift Station
- Sheyenne River Pump Station
- Pipeline Connection to Regional Detention Pond
- Sheyenne River Intake Improvements
- Pipeline Connection to Sheyenne River Pump Station

The Drain 27 Improvements have been proposed in three (3) phases, with a potential fourth phase if needed in the future. The three-phase project is illustrated below:



Drain 27 Improvement Projects

Phase 1 – 2018
Channel Improvements
Regional Detention Pond
Flood Control Lift Station

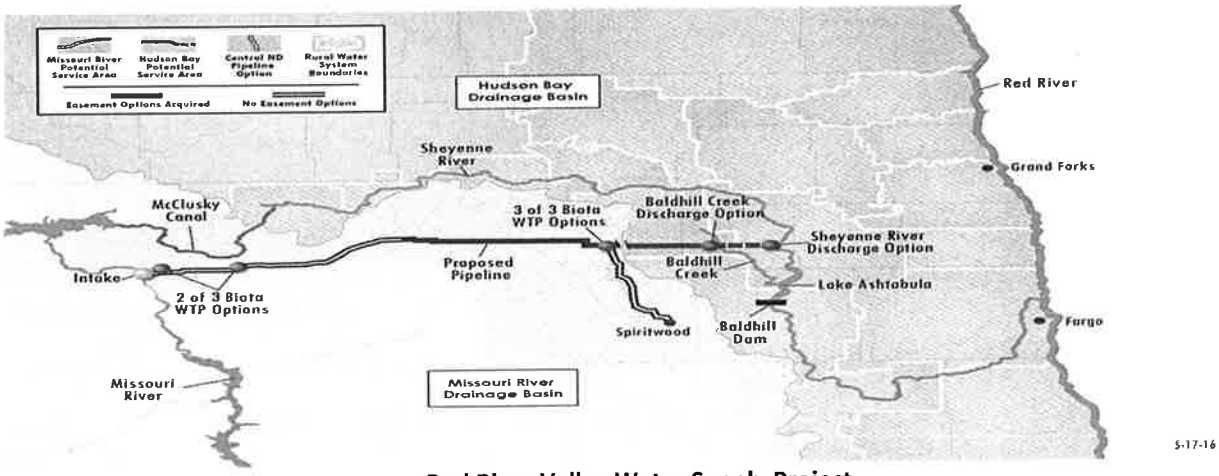
Phase 2 – 2019
Sheyenne Pump Station
Pipeline Connection to Detention Pond

Phase 3 - 2020
Sheyenne Intake Improvements
Pipeline Connection to Pump Station

Staff will provide a presentation with detailed information related to the Drain 27 improvements projects at the Commission meeting.

Sheyenne River Permit Modifications:

The city of Fargo is a member of the Lake Agassiz Water Authority (LAWA) who serves as the local sponsor of the Red River Valley Water Supply Project (RRVWSP). The RRVWSP is a project to deliver Missouri River water to the Red River Valley and central North Dakota. The project is necessary due to the susceptibility of existing regional water supplies under drought conditions. Preliminary design of the RRVWSP has been completed and includes an intake on the Missouri River, a pipeline following the Highway 200 corridor, and a discharge at Lake Ashtabula. From Lake Ashtabula, water would be conveyed to Fargo by the Sheyenne River.



Red River Valley Water Supply Project

Fargo currently serves as a regional supplier of drinking water to both West Fargo and the Cass Rural Water Users District (CRWUD). Therefore, in planning for future water demands, it was imperative to consider demand projections from a regional perspective. It is important to note that a planning horizon through the year 2075 was used in projecting future regional water demands.

Staff will provide a presentation with detailed information related to the proposed Sheyenne River permit modifications at the Commission meeting.

C: Michael Redlinger, Assistant City Administrator
Troy Hall, Water Utility Director
Steve Burian, AE2S