

FARGO CITY COMMISSION AGENDA  
Monday, November 30, 2020 – 4:30 p.m.

Executive Session at 4:30 p.m.

Roll call.

**PLEASE NOTE:** The City Commission will meet in an Executive Session to discuss strategy and to provide negotiating instructions to its negotiator, the Mayor, regarding the Airport Authority's proposed amendment to the January 14, 2020 Memorandum of Understanding (MOU) between the City and the Airport Authority and regarding other alternative or additional terms for amendment of the MOU. The City Commission's discussion of such matters, if held in public, would undermine the City's negotiating position with the Airport Authority with respect to the proposed amendment and with respect to such other terms the City may wish to consider and such discussion, if held in public, would adversely affect the bargaining position of the City, and would have an adverse fiscal effect on the City. This Executive Session is authorized pursuant to N.D.C.C. Section 44-04-19.1(9).

Regular Meeting at 5:00 p.m.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, November 16, 2020).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. 2nd reading and final adoption of an Ordinance Relating to the Human Relations Commission; 1st reading, 11/16/20.
- 2. USDA Wildlife Management Program as presented.
- 3. Purchase Agreement with DeNae Swalstad for property located at 749 Royal Oaks Drive North (Project No. FM-19-B).
- 4. Purchase Agreement with Scott C. and Donna M. Seltveit for property located at 906 41st Avenue North (Project No. FM-19-A).
- 5. Final Balancing Change Order No. 2 for an increase of \$4,665.00 for Project No. SR-20-A1.
- 6. Amendment (first) to the Master Services Agreements with Terracon Consultants, Inc., Braun Intertec Corporation and Northern Technologies, LLC for Project No. MS-18-A0.
- 7. Change Order No. 1 for an increase of \$40,651.00 for Project No. HD-19-A1.

Negative Final Balancing Change Order No. 5 in the amount of -\$4,650.70 for Project No. SL-19-A1.

9. 2020 CIP revisions.
10. Construction Roll off Dumpster and Container Policy and associated fees.
11. State Water Commission request for cost reimbursement for FM Metropolitan Area Flood Risk Management Project Costs totaling \$36,169,631.64.
12. Resolution Prescribing Forestry Rates effective 1/1/21.
13. Bid award for winter pruning operations (RFP21004).
14. Agreement for Services with the City of West Fargo.
15. Contract Amendment with Reach Partners, Inc. for an increase of \$30,000.00.
16. Resolution Establishing a Moratorium Pertaining to the Time-Limited Parking Zones.
17. Purchase of replacement hard plastic backseats for twenty Police Department squads, and purchase and installation of kill switches for all Police Department patrol vehicles.
18. Public Transportation Agency Safety Plan.
19. Sole Source Procurement with New Flyer Industries and Cummins NP for vendor specific parts and service (SSP21015 and SSP21016).
20. Resolution Prescribing Rates and Charges for Wastewater Utility Service.
21. Sole Source Procurement with Gartner Refrigeration for a redundant ammonia storage system (SPP20124)
22. Bills.
23. Change Order No. 4 for an increase of \$23,577.85 for Improvement District No. BR-20-C1.
24. Permanent Easement (Street and Utility) with Sanford North for Improvement District No. BN-20-L1.
25. Purchase Agreement of highway interchange right-of-way with Sanford North for Improvement District No. BN-21-L1.
26. Purchase Agreement and Permanent Easement (Street and Utility) with Park District of the City of Fargo for Improvement District No. BN-17-C1.
27. Agreement for Professional Services with Houston Engineering, Inc. for Improvement District No. BN-21-A2.
28. Bid award for Improvement District No. BN-21-A1.

29. **RESIDENT COMMENTS (each Fargo resident will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Fargo residents who would like to address the Commission virtually are encouraged to visit. FargoND.gov/VirtualCommission to sign up).**
30. **\*Public Input Opportunity\* - PUBLIC HEARINGS - 5:15 pm:**
  - a. Hearing on a dangerous building located at 1714 5th Avenue South.
  - b. Growth Plan Amendment on Lots 1 and 2, Block 7, Eagle Valley Addition; denial recommended by the Planning Commission on 11/3/20.
  - c. Name Change Plat for Robins Lane South between 66th Avenue and Selkirk Drive South, located between Block 2 and Block 3, Selkirk Place First Addition, to be renamed Archer Place South (3104-3237 Robins Lane South); approval recommended by the Planning Commission on 11/3/20.
  - d. Development Plan for Tax Increment Financing District No. 2020-01 to redevelop a parcel of property southeast of 6th Avenue North and Oak Street in the Oak Grove Neighborhood to include the clearing of existing buildings on the property and the construction of 117 apartments and 14 condominiums.
31. Amendment to the Memorandum of Understanding with the Fargo Municipal Airport Authority to extend the deadline for notice of termination to 7/1/21.
32. COVID-19 Update:
  - a. Report on complaint calls received regarding the mask and guideline enforcement.
  - b. Discussion regarding the end of Federal funding on December 31st.
  - c. Report on economic impact of the pandemic on the bar/restaurant/retail industry.
  - d. Update on vaccine distribution.
33. Recommendation to accept the Community Development Block Grant (CDBG-CV) Round 3 allocation from the US Department of Housing and Urban Development.
34. Recommendation of prioritized projects for submittal of Federal Aid.
35. Receive and file the proposed 2021 Capital Improvement Plan Report and 4-year CIP.
36. Applications for property tax exemptions for improvements made to buildings:
  - a. Steven and Jan Visby, 46 Fremont Drive South (3 year).
  - b. Jenna R. Gage, 1625 16 1/2 Street South (5 year).

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](http://www.FargoND.gov/citycommission).



## Inspections Office

Fargo City Hall  
225 Fourth Street North  
Fargo, ND 58102  
Phone: 701.241.1561  
Fax: 701.476.6779  
[www.FargoND.gov](http://www.FargoND.gov)

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### Memorandum

DATE: November 25, 2020  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Bruce Taralson, Inspections Director  
SUBJECT: Dangerous Building Notice and Order at 1714 5 Avenue S., Fargo, ND

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The property owner or the next of kin regarding 1714 5 Avenue S., Fargo, ND, has failed to comply with my order to obtain a permit to repair or demolish the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-0405, a hearing date has been set for November 30, 2020.

The recommendation is to **designate this building to be a dangerous building, direct the City Attorney to prepare findings of fact in this matter, and order its removal before January 25, 2021. Please direct the appropriate staff to secure the removal of this building at that time.**





## Inspections Office

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225 Fourth Street North  
Fargo, ND 58102  
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### **DANGEROUS BUILDING ORDER TO COMMISSION- Detail and Timeline regarding 1714 5 Avenue S., Fargo, ND.**

The hearing scheduled for November 30, 2020, is required under Article 21-0405 for the purpose of allowing any interested parties the opportunity to comment, and to allow the Owner of the said property the opportunity to appear and show cause why the City of Fargo should not cause the removal of this building. The owner of this property passed away in January of 2020. Since the posting of the Dangerous Building Notice, no parties of interest have come forward within the timeline given to repair or demolish the building.

The Inspections Department is requesting that the City Commission deem this building as a Dangerous Building and order the demolition of the building due to the extent of damage found. This building meets 8 of the 10 criteria found in the ordinance which only one might be required. Our report on ordinance requirements is as follows:

1. The Inspections Department received notice regarding the condition of the property.
2. The Inspections Department inspected the property.
3. The Inspections Department placarded building as a Dangerous Building.
4. The Inspections Department posted a Dangerous Building notice on the structure allowing 30 days to obtain permit or demolish.
5. The Inspections Department is reporting to City Commission today.

In your packets, you will find the Dangerous Building Notice. Article 21-0404 requires the Inspections Department give a 30-day notice to the Owner of the property prior to any action by the City Commission or staff. Our timeline shows the building was placarded on February 3, 2020 and the Dangerous Building Order posted on August 27, 2020 which expired on September 25, 2020.

Also in your packets, you will find copies of the photos taken of the property as well as a copy of the letter of determination of value from the Assessor's office. Article 21-0401 stipulates that if this building meets the definition of a dangerous building, it must be demolished or repaired. The assessor's letter states that repairs will exceed or are in excess of 50% of the current value. Article 21-0402 stipulates that if costs to repair the building exceed 50% or more of the current value, the building can be ordered demolished or repaired. We have taken the path of demolition due to the amount of repair the building requires to be habitable.

**PROPERTY INFORMATION-** Building is currently vacant and is uninhabitable due to condition and current Inspections order. Deterioration is extensive. Building constructed in 1950.

**Description:** Single-story, wood-framed structure.

**Description of damage:**

- Roof has buckling/missing shingles.
- Holes in roof.
- Windows and entry doors are boarded up.
- Siding is missing in areas.
- Foundation has large cracks with loose blocks.
- Fascia is rotten/missing.
- Squirrel infestation.
- Painted gable ends have peeling paint.
- Gutters are inoperable.
- Large tree in front yard is scraping house.
- Large tree in rear yard fell during storm.
- Interior is unsanitary.
- Basement brace is failing.

**Timeline of events:**

**5/18/2006:** Notice of order to correct - garage roof collapsed and remaining walls not structurally sound.

**01/2020:** Coroner's office notified Inspections Department of condition of property.

**2/3/2020:** Building was placarded. Unsafe structure notice posted on building.

**3/13/2020:** Structure was secured by contractor.

**8/27/2020:** Dangerous Building Notice was posted on structure and mailed to Owner by registered mail.

**8/31/2020:** Assessor inspected exterior.

**9/25/2020:** The deadline expired to either obtain a permit to repair or demolish the structure as required by the Dangerous Building Notice.

**11/8/2020:** Inspections received complaint regarding condition of property.

**11/10/2020:** Deputy Assessor, James Haley, inspected interior and determined that the cost to cure the deterioration of the building exceeds 50% of the most recent certified True & Full Improvement Value.

**11/12/2020:** Inspections requested Dangerous Building *Order to Show Cause* Hearing to be scheduled for November 30, 2020.

**11/17/2020:** Notice of Hearing posted on building and mailed to Owner via registered mail.

**11/19/2020:** As per Water Department, water has been shut off since February 2020.

**11/20/2020:** As per Xcel Energy, gas and electricity are still connected and operating.

**11/30/2020:** Dangerous Building Hearing.

**12/10/2020:** Anticipated issuance of *Findings of Fact* document.

**12/24/2020:** Deadline to appeal to District Court.

**01/25/2021:** Deadline for Owner to demolish or City of Fargo to proceed with action on City Commissions recommendation to demolition.

Please note, this timeline does not include complaints received by other departments or a total calculation of overall staff time spent on this property.

Upon your finding for Owner to comply with this demolition order, you are required by Article 21-0405.C,D&E, to notify the Owner of your determination, and that if the Owner fails to comply with that order for demolition within 10 days, The City Commission can order city staff to take action on demolition and assess costs back to the property.

I suggest you agree with my notice and find this to be a dangerous building, and direct the City Attorney to prepare findings of fact in this matter. I also ask that you direct staff to proceed with all necessary measures to secure removal of this building should the Owner fail to do so. Article 21-0412 allows for Owner appeal to City Commission action to District Court, which requires a \$500 deposit with the City Auditor.

Respectfully submitted,

Dated this 25<sup>th</sup> day of November, 2020.

A handwritten signature in blue ink, appearing to read "Bruce Taralson", with a stylized flourish at the end.

Bruce Taralson  
Inspections Director

**Fargo Inspections**  
City of Fargo  
225 Fourth Street North  
Fargo, North Dakota 58102  
Phone: 701-241-1561  
Fax: 701-476-6779



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## **Notice of Dangerous Building Hearing – Order to Show Cause**

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**Date: November 17, 2020**

**Location: 1714 5 Avenue S., Fargo, ND 58103**

**Property Owner: Steven T Boyson**

**Address of Property Owner: 1714 5 Avenue S., Fargo, ND 58103**

**Inspector: Bill Thompson**

**Date of Posting: November 17, 2020**

**Ordinance 21-0405 of the Fargo Municipal Code states:**

The board of city commissioners shall:

A. Upon receipt of a report of the building inspector as provided for in § 21-0404, subsection (F), give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector(s) notice provided for herein in § 21-0404, subsection (E).

B. Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the register of deeds of the county of Cass shall offer relative to the "dangerous building."

A hearing regarding the dangerous building located at 1714 5 Avenue S., Fargo has been scheduled for Monday, November 30, 2020 at 5:00PM. The hearing will take place in the City Commission Chambers, located at 225 4<sup>th</sup> Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend, and any interested party will be given a chance to speak during the meeting. Please be aware that due to the Covid-19 pandemic, there are restrictions to the number of attendees allowed into the meeting space. Please arrive early to ensure a seat in the chambers, and please be aware that wearing a mask is required.

Dated on this 17<sup>th</sup> day of November, 2020.

A handwritten signature in black ink, appearing to read "Bill Thompson", with a long horizontal line extending to the right.

Bill Thompson  
Building Inspector

A handwritten signature in black ink, appearing to read "Bruce Taralson", with a horizontal line underneath.

Bruce Taralson  
Inspections Director



**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: Notice of Dangerous Building Hearing – Order to Show Cause**  
**CM Receipt#: 9214 8901 9403 8325 6443 01**

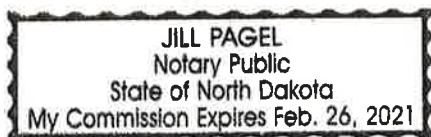
Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 17<sup>th</sup> day of November, 2020, she served the attached notice, upon Steven T Boyson, by placing true and correct copies thereof in an envelope addressed as follows:

Steven T Boyson  
1714 5 Avenue S.  
Fargo, ND 58103

and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail.

  
\_\_\_\_\_  
Gretchen Morlan

Subscribed and sworn to before me this 17<sup>th</sup> day of November, 2020.



  
\_\_\_\_\_  
Notary Public  
Cass County, North Dakota

(SEAL)

**AFFIDAVIT OF SERVICE**

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

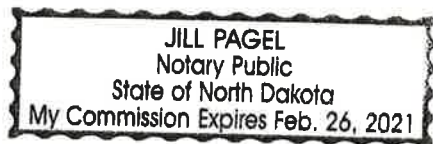
**Re: Posting of Notice of Dangerous Building Hearing – Order to Show Cause**

Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 17<sup>th</sup> day of November 2020, he posted the attached notice upon the following address:

1714 5 Avenue S.  
Fargo, ND 58103

  
\_\_\_\_\_  
Bill Thompson

Subscribed and sworn to before me this 17<sup>th</sup> day of November, 2020.



(SEAL)

  
\_\_\_\_\_  
Notary Public  
Cass County, North Dakota



## Fargo Inspections

City of Fargo  
225 Fourth Street North  
701-241-1561  
fax 701-476-6779

---

### Memorandum

DATE: 11/12/2020  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Bruce Taralson, Inspections Director  
SUBJECT: Dangerous Building Notice and Order at 1714 5 Avenue S., Fargo, ND 58103

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Dear Commissioners,

The Owner of 1714 5 Avenue S., Fargo, ND passed away in January of 2020. The residence has since been placarded and posted with a Dangerous Building Notice. The notice has not brought forth parties of interest within the timeline given regarding the repair or demolition of the building.

In accordance with Fargo Municipal Code Article 21-0405, it will now be necessary for you to set a date for a hearing of this order at which time any interested party will be able to appear and show cause why the building should not be removed and the costs of that removal assessed against this property.

The recommendation is **to make a motion, in accordance with FMC Article 21-0405, to set Monday, November 30, 2020 as date for the hearing regarding the dangerous building order for the structure at 1714 5 Avenue S., Fargo, ND 58103.**

Respectfully,

A handwritten signature in blue ink that reads "Bruce Taralson". The signature is written in a cursive, flowing style.

Bruce Taralson  
Inspections Director

# Fargo Inspections

City of Fargo  
225 4th Street North  
701-241-1561  
701-476-6779 fax



## NOTICE OF DANGEROUS BUILDING

TO: Steven T Boyson  
1714 5 Avenue S.  
Fargo, ND 58103-1544

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.

2. That the building with which this Notice is concerned is commonly known as 1714 5 Ave S, and is located on that tract of land in the city of Fargo, more particularly described as follows:

Amerlands Addition, Block 1, Lot 4

(hereinafter referred to as "the building")

3. That an inspection was made of the building on 8/18/2020 by Bill Thompson, Building Inspector.

4. That the building inspector for the City of Fargo has found the building, consisting of a single-story, wood-framed structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and IPMC Code 108.1.5 concerning Dangerous Structures.

5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

6. That the owner of the building must demolish the building within 30 (thirty) days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.

7. That the building is unsafe and is a dangerous building in the following respects: See 'Conditions Found Statement' below.

8. The building is unsafe and constitutes a public nuisance pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and Section 116 of the International Building Code as adopted by Article 21-0101 of the Fargo Municipal Code.

9. You are further given Notice that unless the building is demolished within the time period set forth herein, the City of Fargo will take such steps as are necessary to cause said building to be demolished pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and the International Building Code and the owner will be assessed such costs as are provided for therein.

10. Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 108.2 of the International Property Maintenance Code, 2018 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 27th day of August, 2020.

11. Order to secure building. The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. Application for Appeal. Section 111.1 of the International Property Maintenance Code states that any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 27th day of August, 2020.




**Conditions Found Statement**


On 8/18/2020, Building Inspector, Bill Thompson, was present at 1714 5 Ave S, Fargo, ND to address a complaint inspection. The following violations were found:


- Roof has buckling/missing shingles.
- Windows and entry doors are boarded up.
- Siding is missing in areas.
- Foundation has large cracks with loose blocks.
- Fascia is rotten/missing.
- Squirrel infestation.
- Painted gable ends have peeling paint.
- Gutters are inoperable.
- Large tree in front yard is scraping house.
- Large tree in rear yard fell during storm.

The following action must be taken:

- Provide full engineering on all systems and structure to obtain a permit. The structure must be repaired according to the permit and within a timely manner.
- Or, the structure must be demolished within 30 days of this notice as noted on page one of this document.

  
Bill Thompson  
Building Inspector  
City of Fargo, ND

  
Bruce Taralson  
Inspections Director

  
Date Sign



**ASSESSOR'S OFFICE**

Fargo City Hall  
225 4<sup>th</sup> Street North  
Fargo, ND 58102  
Phone: 701.241.1340 | Fax: 701.241.1339  
[www.FargoND.gov](http://www.FargoND.gov)

**MEMORANDUM:**

DATE: 11/10/2020  
TO: Bruce Taralson, Inspections Administrator  
FROM: James Haley, Deputy Assessor  
SUBJECT: 1714 5 Ave S

On August 31<sup>st</sup> 2020, I viewed the exterior; and on 11/10/2020, I viewed the interior of 1714 5 Ave S.

My calculations indicate that the cost to cure the deterioration of the subject building exceeds 50% of the most recent certified True & Full Improvement Value of the dwelling.

# Fargo Inspections

City of Fargo  
225 4th Street North  
701-241-1561  
701-476-6779 fax



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1714 5 Avenue S.  
Fargo, ND 58103-1544

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(hereinafter referred to as "the building")

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5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

6. That the owner of the building must demolish the building within 30 (thirty) days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.

7. That the building is unsafe and is a dangerous building in the following respects: See 'Conditions Found Statement' below.

8. The building is unsafe and constitutes a public nuisance pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and Section 116 of the International Building Code as adopted by Article 21-0101 of the Fargo Municipal Code.

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Dated this 27th day of August, 2020.

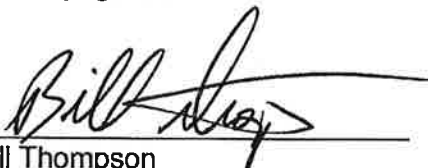
**Conditions Found Statement**

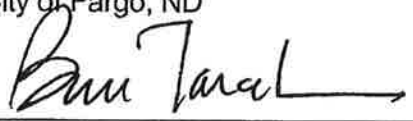
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- Painted gable ends have peeling paint.
- Gutters are inoperable.
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- Large tree in rear yard fell during storm.

The following action must be taken:

- Provide full engineering on all systems and structure to obtain a permit. The structure must be repaired according to the permit and within a timely manner.
- Or, the structure must be demolished within 30 days of this notice as noted on page one of this document.

  
Bill Thompson  
Building Inspector  
City of Fargo, ND

  
Bruce Taralson  
Inspections Director

  
Date Sign



**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: Dangerous Building Notice regarding 1714 5 Avenue S, Fargo, ND 58103**  
**CM Receipt#: 7018 3090 0000 3038 3984**

Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 27th day of August, 2020, she served the attached notice, upon Steven T Boyson, by placing true and correct copies thereof in an envelope addressed as follows:

Steven T Boyson  
1714 5 Avenue S  
Fargo, ND 58103

and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail.

  
\_\_\_\_\_  
Gretchen Morlan

Subscribed and sworn to before me this 27<sup>th</sup> day of August, 2020.



  
\_\_\_\_\_  
Notary Public  
Cass County, North Dakota

(SEAL)

**AFFIDAVIT OF SERVICE**

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

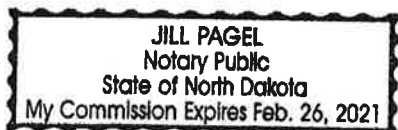
**Re: Posting of Dangerous Building Notice – 1714 5 Avenue S., Fargo, ND 58103**

Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 27th day of August 2020, he posted the attached Notice of Dangerous Building upon the following address:

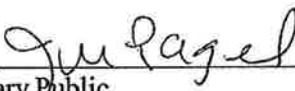
1714 5 Avenue S.  
Fargo, ND 58103

  
\_\_\_\_\_  
Bill Thompson

Subscribed and sworn to before me this 27th day of August, 2020.



(SEAL)

  
\_\_\_\_\_  
Notary Public  
Cass County, North Dakota



INSPECTIONS DEPT.  
225 4th Street North  
Fargo, ND 58102-4817  
Return Service Requested

**CERTIFIED MAIL®**



7018 3090 0000 3038 3984

FARGO ND 581

2 T



ZIP 58102  
041L12204758

Steven T. Boyson

-R-T-S- 581034023-1N

09/01/20

RETURN TO SENDER  
UNABLE TO FORWARD  
RETURN TO SENDER

DEC

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
OFFICIAL USE	
Certified Mail Fee \$ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ <input type="checkbox"/> Return Receipt (electronic) \$ <input type="checkbox"/> Certified Mail Restricted Delivery \$ <input type="checkbox"/> Adult Signature Required \$ <input type="checkbox"/> Adult Signature Restricted Delivery \$	Postmark Here
Postage \$	
Total Postage and Fees \$	
Sent to <u>Steven T. Boyson</u> Street and Apt. No., or PO Box No. <u>1714 5AVE S.</u> City, State, ZIP+4® <u>Fargo, ND 58103-1544</u>	
PS Form 3800, April 2015 PSN 7530-02-000-6047 See Reverse for Instructions	

4966 REDE 0000 060E 9107





1714 5 Ave S., Fargo, ND 58103—1/30/2020



1714 5 Ave S., Fargo, ND 58103—2/3/2020



**Fargo Inspections**  
City of Fargo  
225 Fourth Street North  
Fargo, North Dakota 58102  
Phone: 701-241-1561  
Fax: 701-476-6779

**CITY OF Fargo**

**FINDING AND DETERMINATION OF UNSAFE STRUCTURE,  
ORDER TO VACATE, SECURE BUILDING, AND MAKE REPAIRS  
NOTICE OF RIGHT TO APPEAL**

DATE: 2/3/2020

ADDRESS AND/OR LEGAL DESCRIPTION OF SUBJECT PROPERTY: 1714 5 Ave S  
\*10/17/07 LEGAL CORR/ RH

NAME OF PROPERTY OWNER: Steven T Boyson  
ADDRESS OF PROPERTY OWNER: 1714 5 Ave S  
Fargo, ND 58103-1544

NAMES AND ADDRESSES OF MORTGAGE HOLDERS, LIENHOLDERS ET CETERA AND LESSEES OF RECORD:

NAME OF INSPECTOR: Steve Eickhoff, Building Inspector

Finding of substandard building. The undersigned building official has determined the above-described subject property to be a substandard building, as is defined by the International Property Maintenance Code, 2018 edition, as adopted by reference in the Fargo Municipal Code at section 31-0101. Specifically, the violations of said housing code have been identified and are described more fully in the conditions found statement of the Inspection Division, a copy of which is attached hereto and incorporated herein as if fully set forth.

Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 108.2 of the International Property Maintenance Code, 2018 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately on this February 3<sup>rd</sup>, 2020.

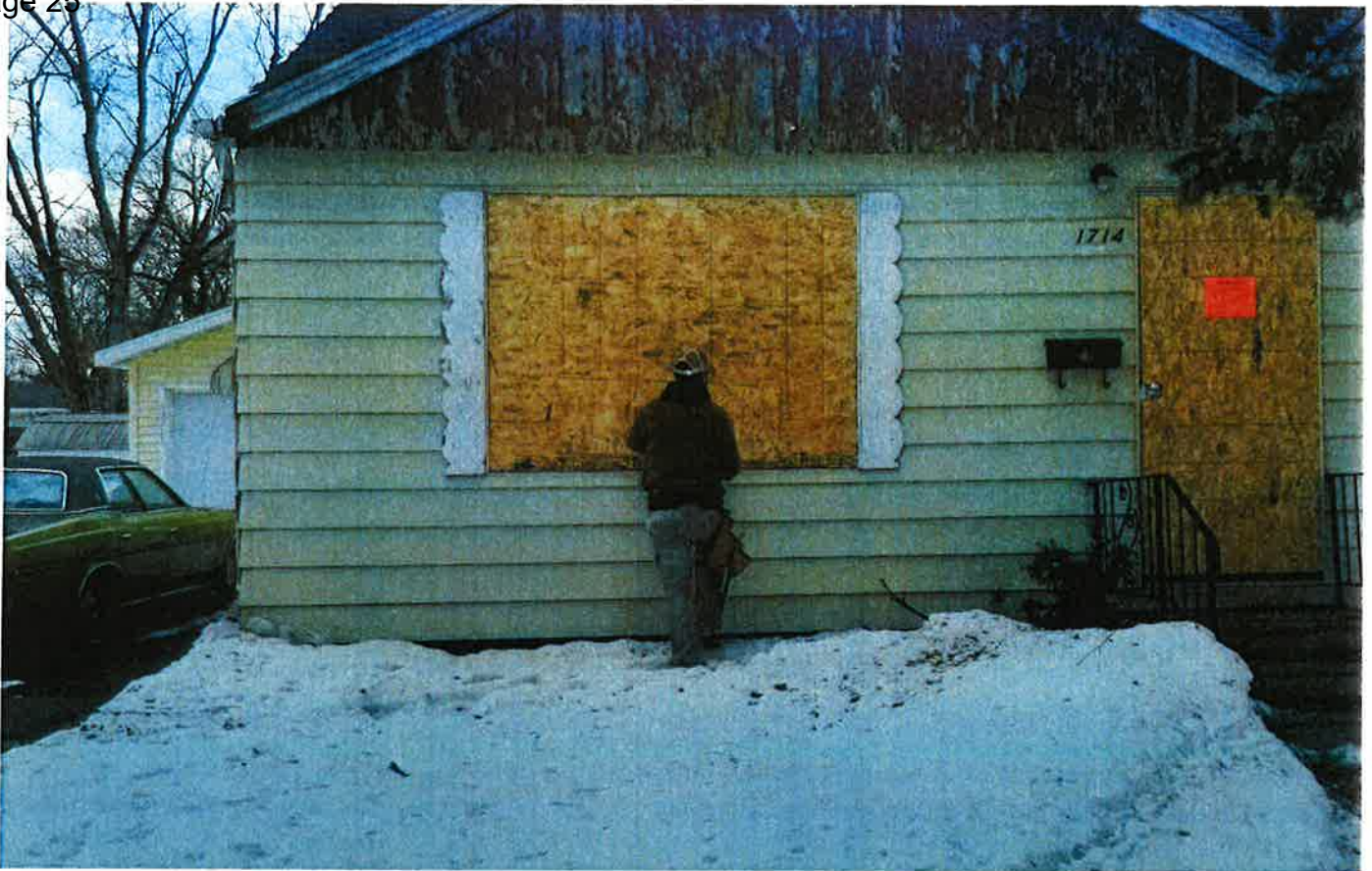
41295

1714 5 Ave S., Fargo, ND 58103—2/3/2020



1714 5 Ave S., Fargo, ND 58103—3/16/2020



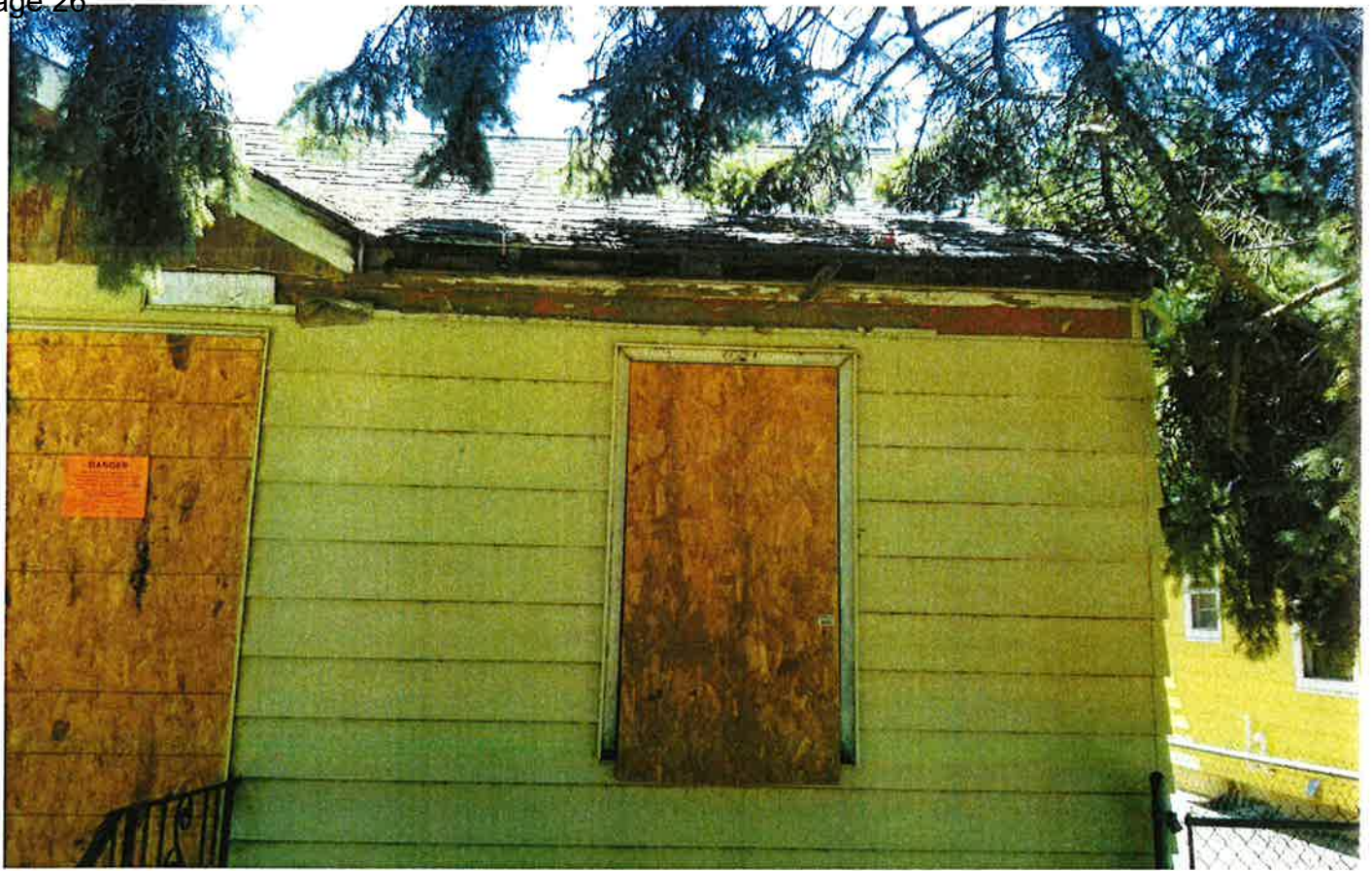


1714 5 Ave S., Fargo, ND 58103—3/16/2020



1714 5 Ave S., Fargo, ND 58103—8/18/2020





1714 5 Ave S., Fargo, ND 58103—8/18/2020





1714 5 Ave S., Fargo, ND 58103—8/18/2020

**Fargo Inspections**  
City of Fargo  
225 4th Street North  
701-241-1561  
701-476-6779 fax

**THE CITY OF Fargo**  
FAR MORE

**NOTICE OF DANGEROUS BUILDING**

TO Steven T Boyson  
1714 5 Avenue S  
Fargo, ND 58103-1544

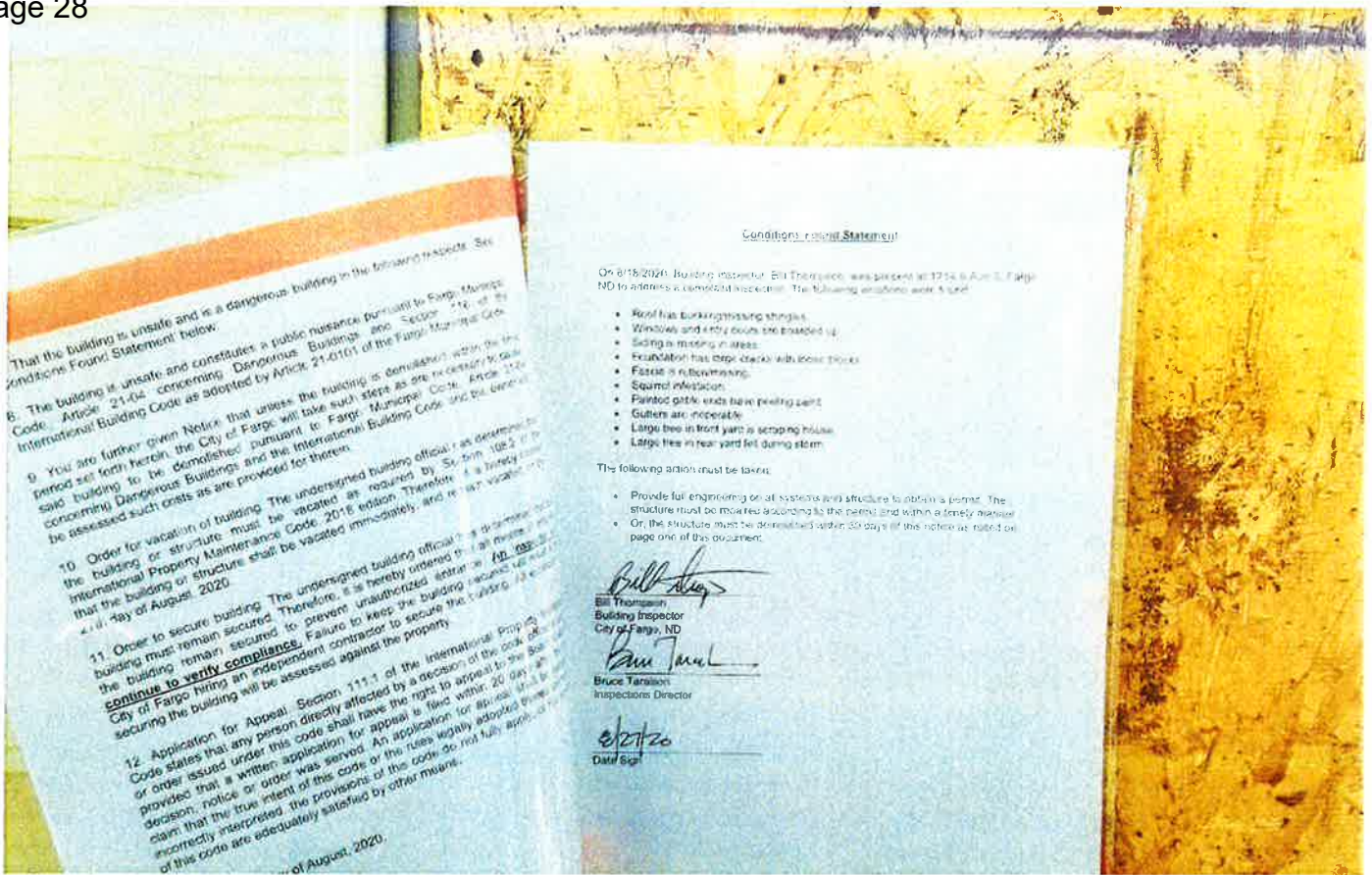
YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.
2. That the building with which this Notice is concerned is commonly known as 1714 5 Ave S, and is located on that tract of land in the city of Fargo, more particularly described as follows:  
  
Ameriands Addition, Block 1, Lot 4  
  
(hereinafter referred to as "the building")
3. That an inspection was made of the building on 8/18/2020 by Bill Thompson, Building Inspector
4. That the building inspector for the City of Fargo has found the building, consisting of a single-story, wood-framed structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and IPMC Code 108.1.5 concerning Dangerous Structures.
5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 108.1.5 B.C.C.

Address  
Cc  
Date

1714 5 Ave S., Fargo, ND 58103—8/27/2020

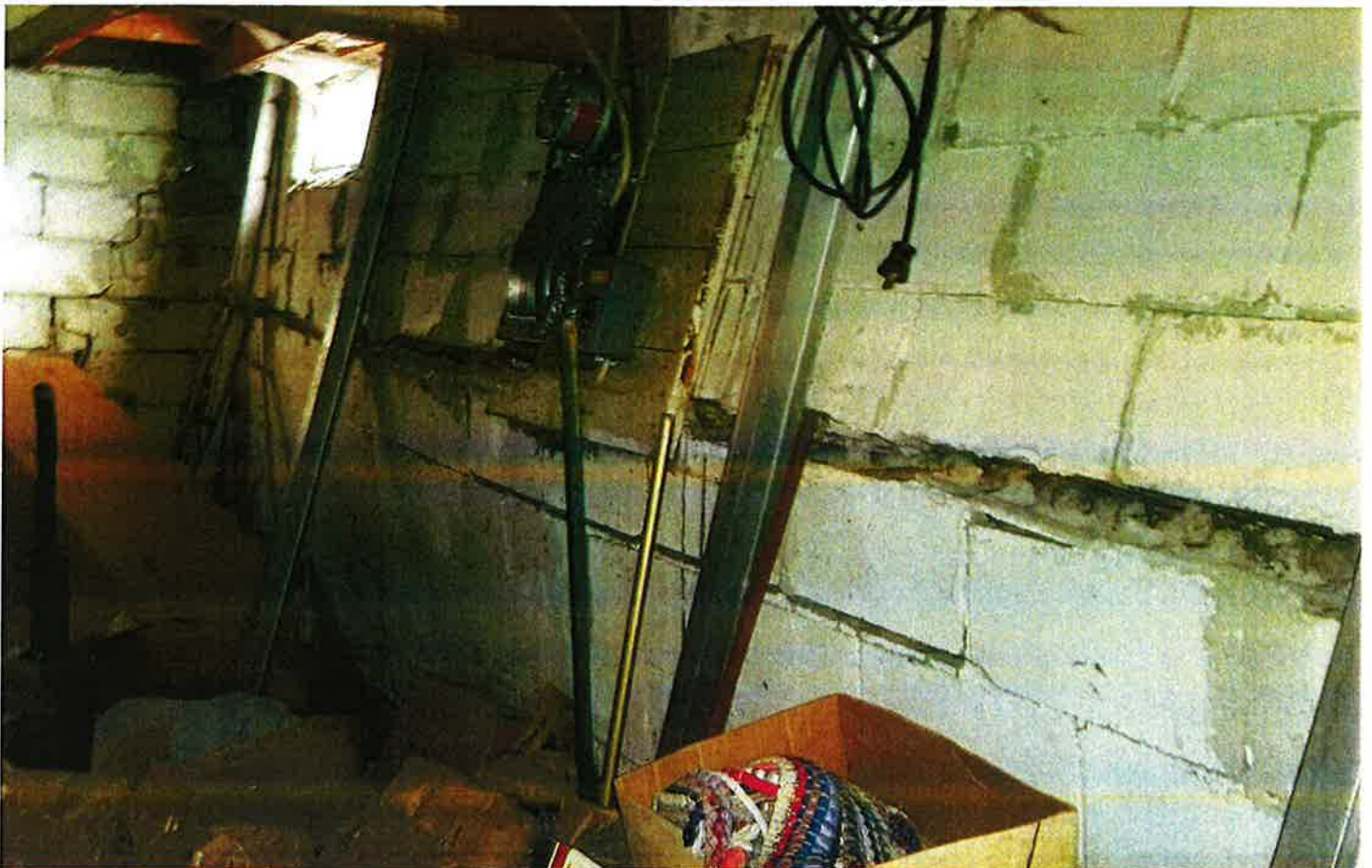


















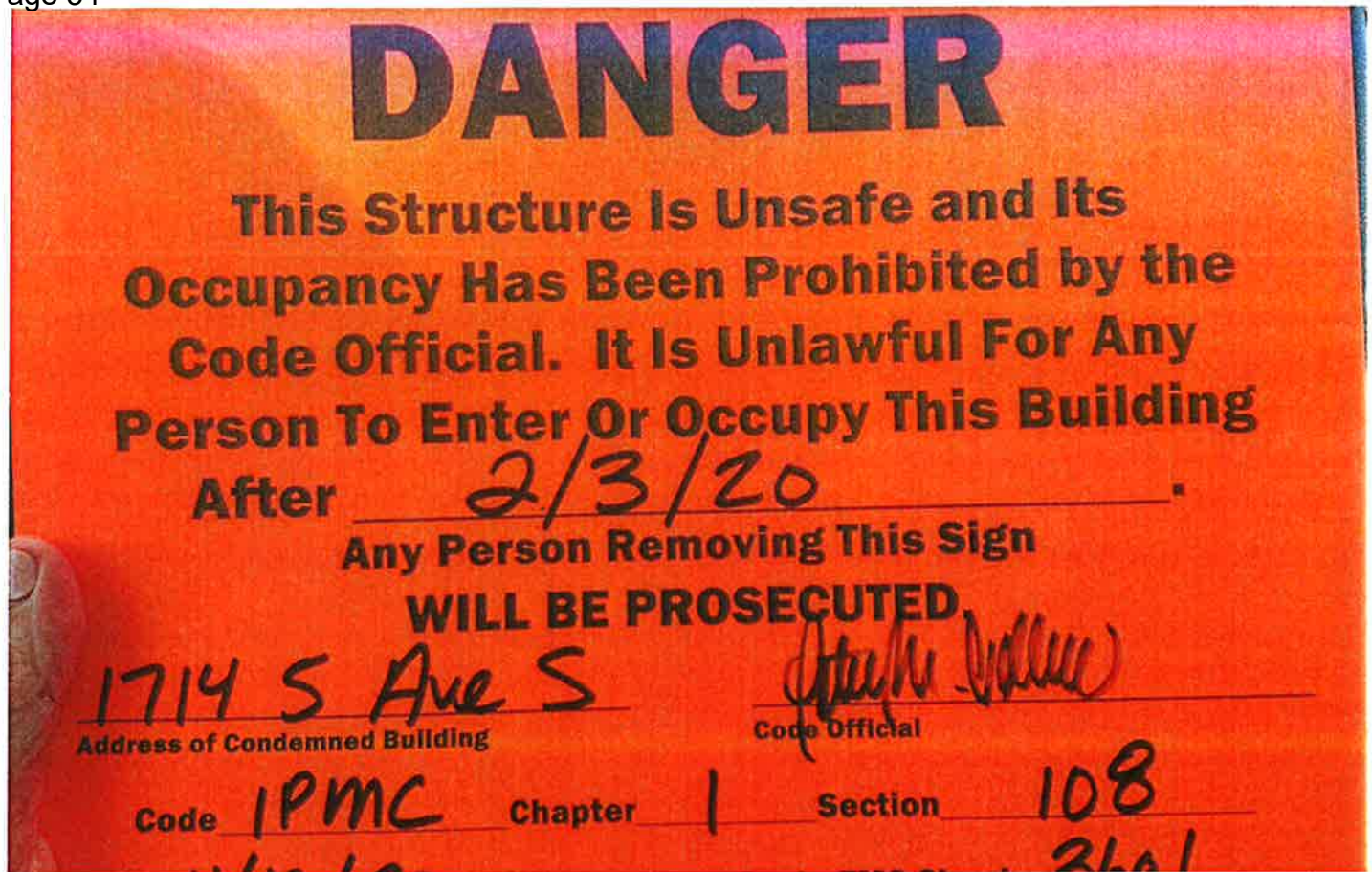




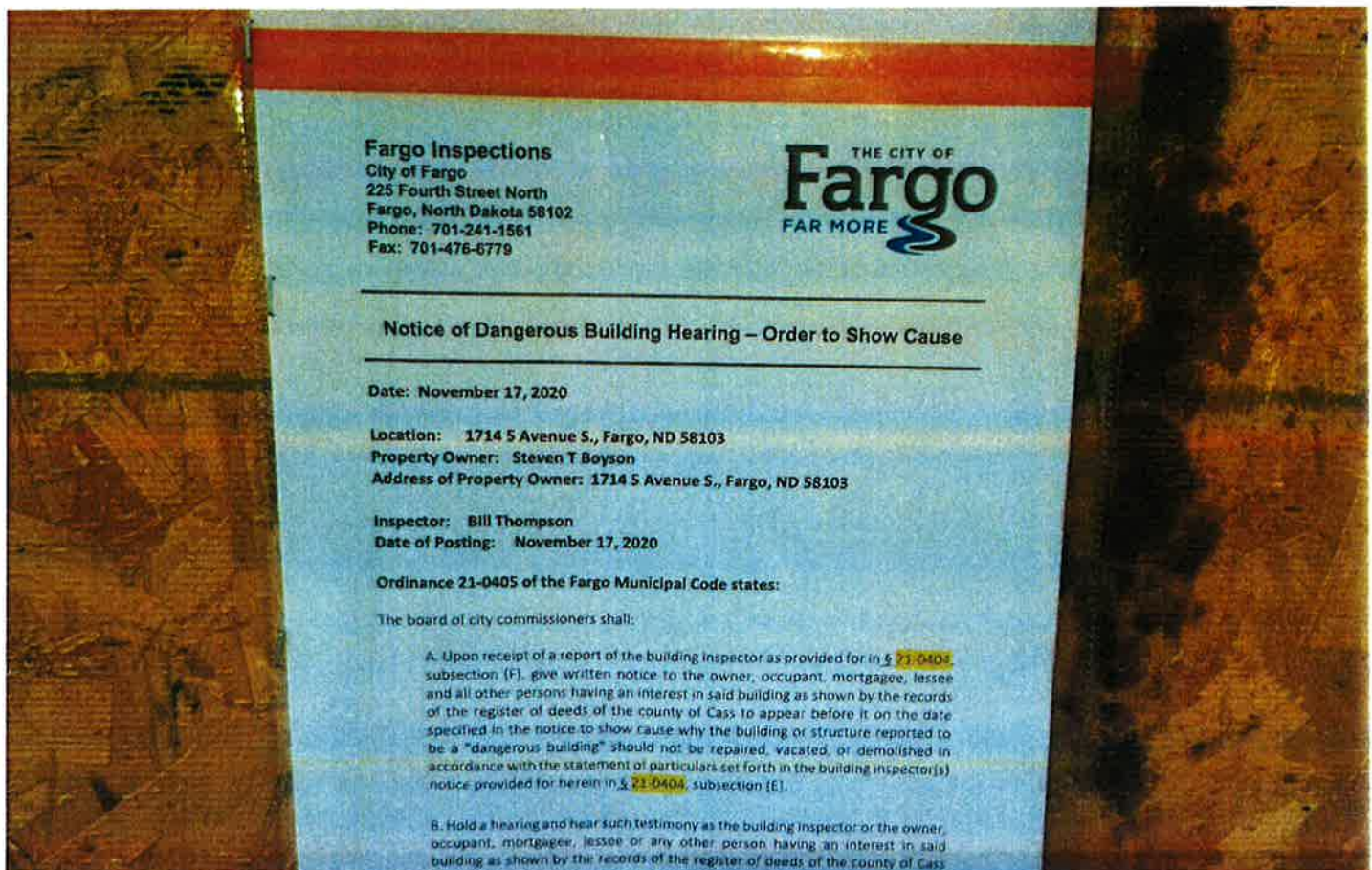


1714 5 Ave S., Fargo, ND 58103—11/10/2020



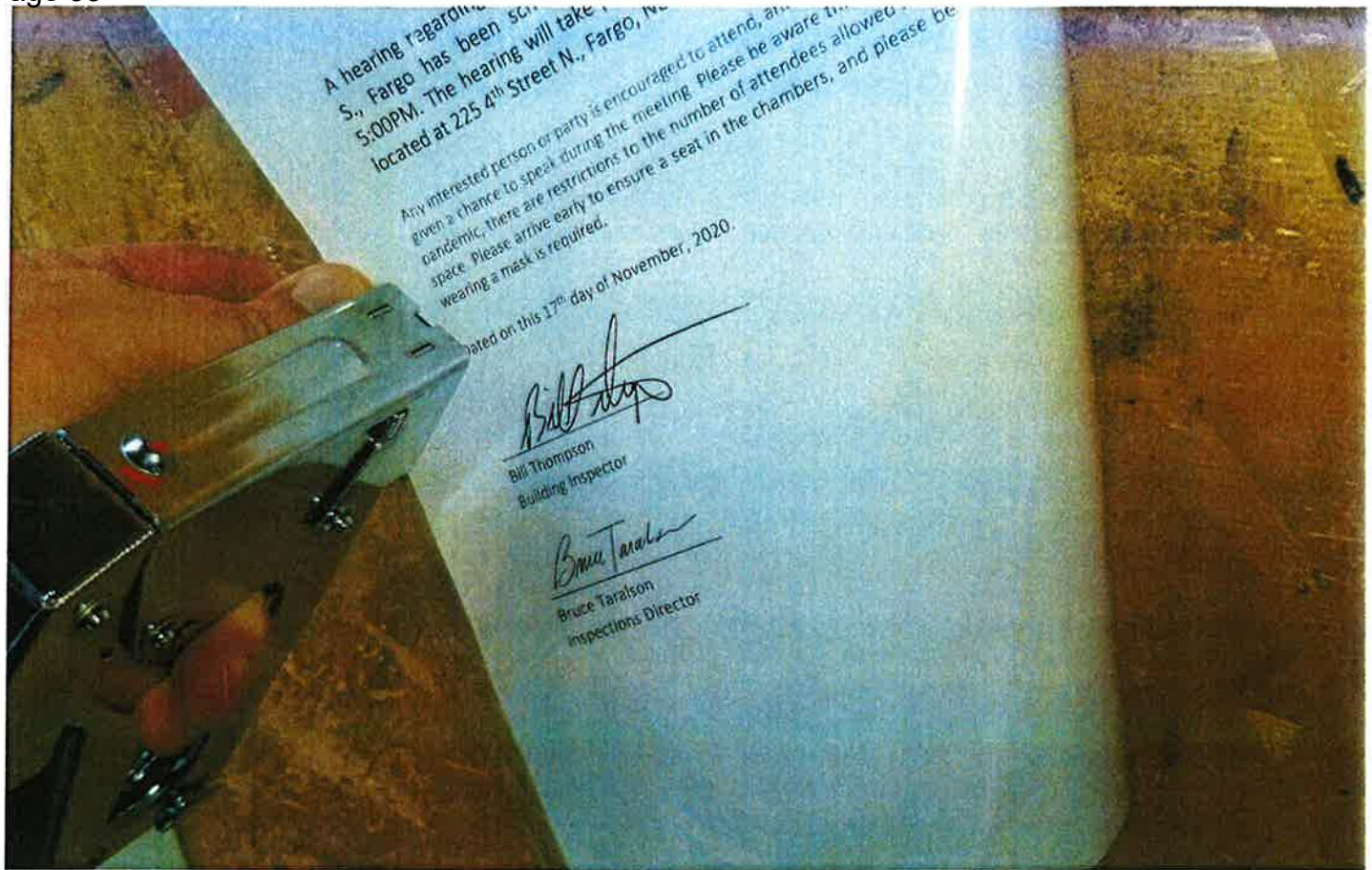


1714 5 Ave S., Fargo, ND 58103—11/12/2020



1714 5 Ave S., Fargo, ND 58103—11/17/2020





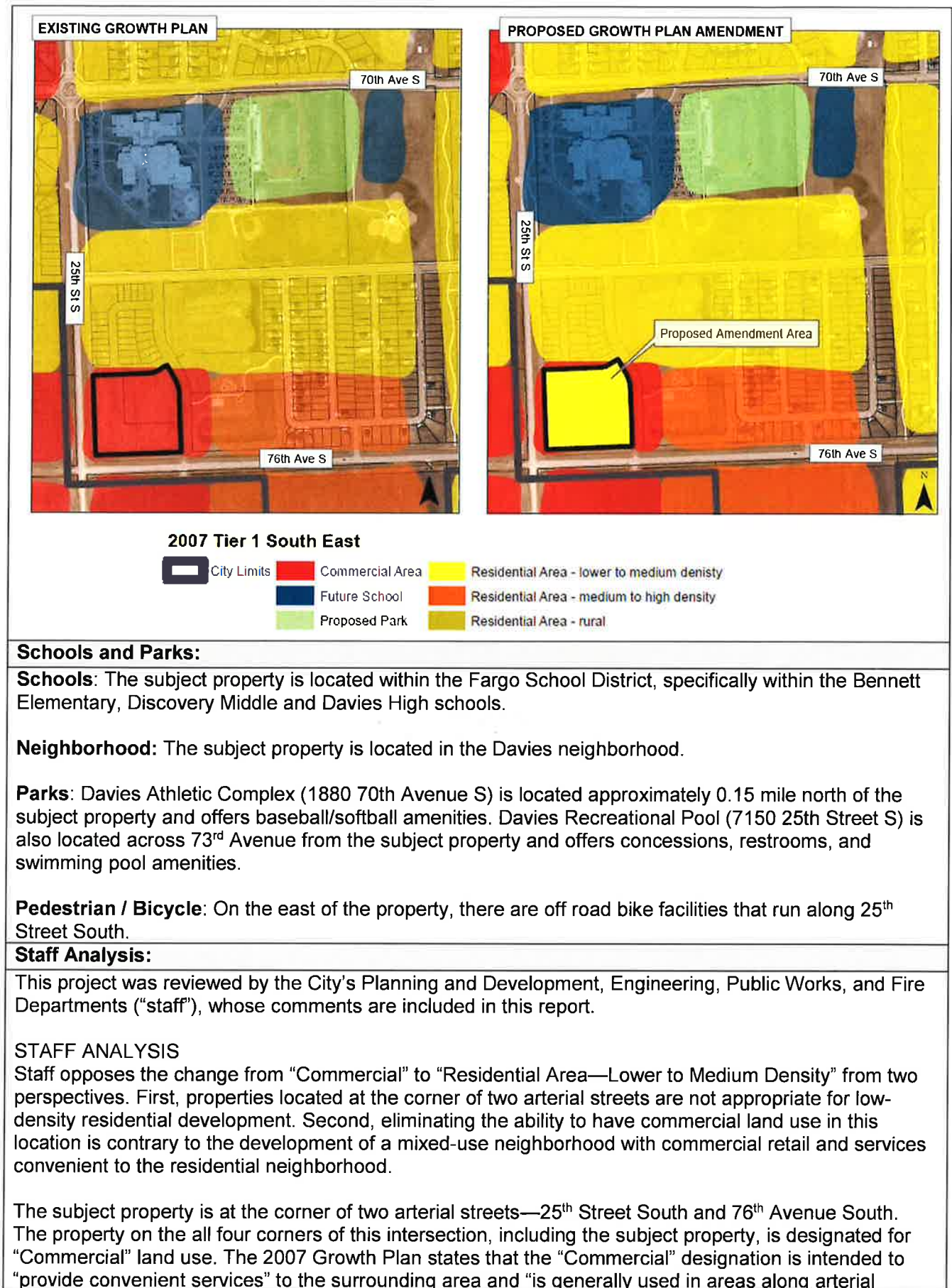
1714 5 Ave S., Fargo, ND 58103—11/17/2020

306

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Eagle Valley Addition	<b>Date: Updated:</b>	10/29/2020 11/25/2020
<b>Location:</b>	7401 and 7501 23rd Street South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Lots 1 and 2, Block 7, Eagle Valley Addition		
<b>Owner(s)/Applicant:</b>	Eagle Ridge Development /Jon Youness	<b>Engineer:</b>	None
<b>Entitlements Requested:</b>	<b>Growth Plan Amendment</b> from "Commercial" to "Residential Area-Lower to Medium Density" land use designations of the 2007 Southeast Tier 1 Growth Plan		
<b>Status:</b>	City Commission Public Hearing: November 30, 2020		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use Designation:</b> Commercial	<b>Land Use Designation</b> Residential Area-Lower to Medium Density
<b>Zoning districts that are allowed in this land use designation:</b> GC, General Commercial; LC, Limited Commercial; GO, General Office; P/I Public/Institutional	<b>Zoning districts that are allowed in this land use designation:</b> SR-0, 1, 2, 3, 4, and 5 Single-Dwelling Residential Zones, MR-1 Multi-Dwelling Residential Zone, and P/I Public/Institutional.

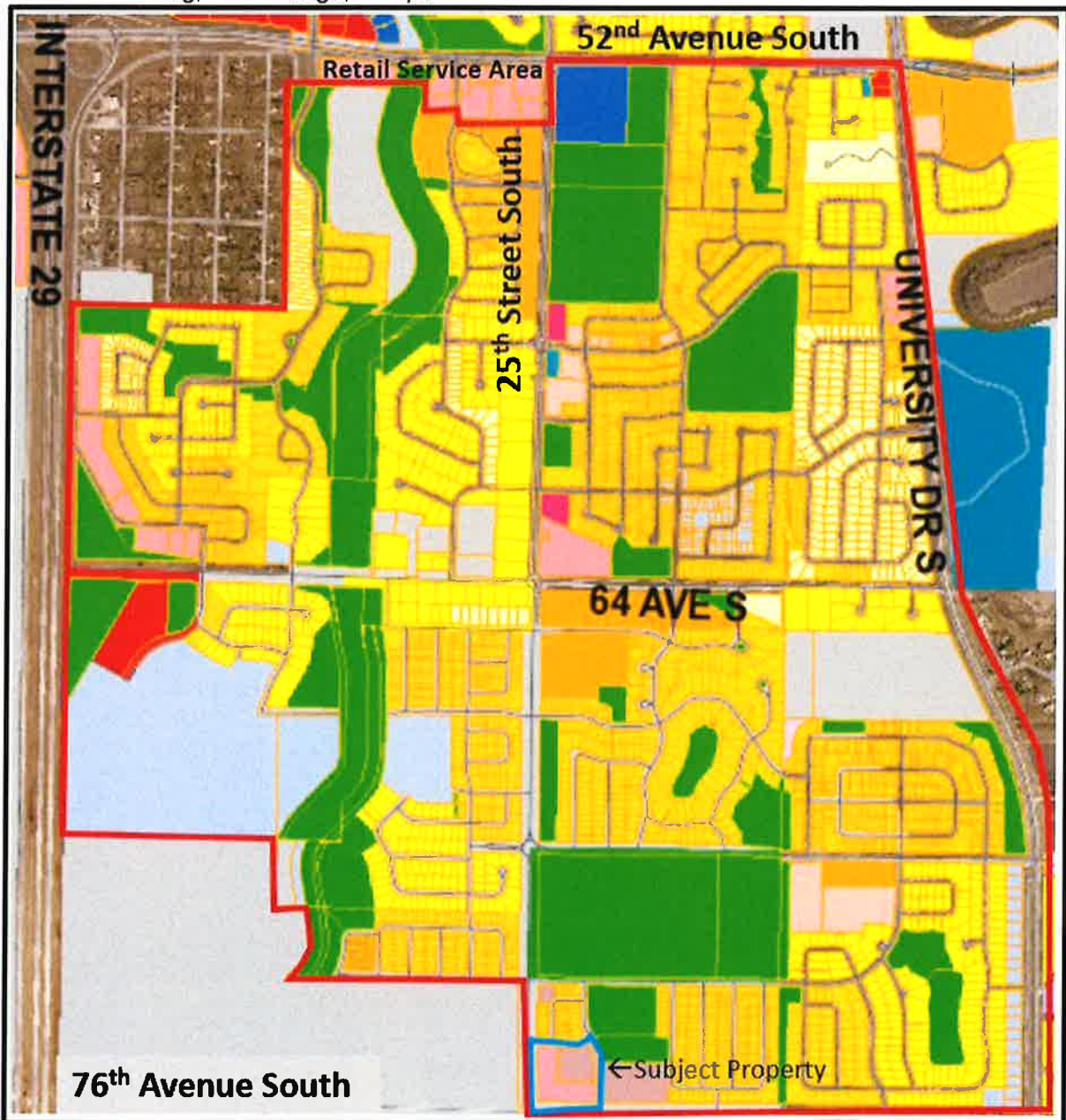
<b>Proposal:</b>
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li><b>1. Growth Plan Amendment</b> from "Commercial" to "Residential Area-Lower to Medium Density" designations of the 2007 Southeast Tier 1 Growth Plan.</li> </ol> <p>The subject property is located at 7401 and 7501 23rd Street South and is bounded by 74th Avenue South (north) 76<sup>th</sup> Avenue South (south), 23<sup>rd</sup> Street South (east) and 25<sup>th</sup> Street South (west).</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: SR-4: Single-Dwelling Residential and MR-1, Multi-Dwelling Residential with single family residences (both detached and attached)</li> <li>• East: P/I, Public/Institutional; Fargo Park</li> <li>• South: Across 76<sup>th</sup> Avenue South is in Fargo's extra-territorial jurisdiction; zone AG, Agricultural; not developed.</li> <li>• West: Across 25<sup>th</sup> Street South is in Fargo's extra-territorial jurisdiction; zone AG, Agricultural; not developed.</li> </ul> <p><b>Area Plans:</b></p> <p>The subject property is located within the 2007 Southeast Tier 1 Growth Plan, which designates the property for "Commercial" land use. This land use designation includes the GC, General Commercial, LC, Limited Commercial, and GO, General Office Zones. The applicant proposed to amend this growth plan to change the land use designation "Residential Area-Lower to Medium Density," which would include SR-0, 1, 2, 3, 4, and 5 Single-Dwelling Residential Zones, MR-1 Multi-Dwelling Residential Zone, and P/I Public/Institutional Zone.</p>





roadways. . . where single family residential land uses are not desirable.” That plan describes the “Residential Area-Lower to Medium Density” category, which the growth plan amendment proposes for the subject property, as an area “expected to have the overall character of a single family neighborhood.” Thus, the Growth Plan clearly contrasts the intended land uses in the “Commercial” area along arterials, where single-family development is not desirable, with the “Residential Area-Lower to Medium Density”, which is specifically intended for single-family development, and appropriately designates this location along two arterials for “Commercial” land uses.

The remaining three corners of this intersection are also designated for “Commercial” land use. However, these areas are not yet in the city limits and so cannot be developed at this time, leaving the subject property the remaining developable Commercial-designated area on this corner. It is also one of few remaining developable commercial properties in a heavily residential 3-square mile area, outlined in red on the map below. There is no retail in this area until the west side of the intersection of 25<sup>th</sup> Street South and 52<sup>nd</sup> Avenue South, depicted on the map below, which is two miles away from the subject property. Some properties in this area that are zoned LC and GC are undeveloped; others are developed with non-retail uses—housing, mini-storage, and public utilities.





An example of an existing intersection that has commercial development on the four corners that serves the surrounding residential area, and probably a larger area as well, is the intersection of 25<sup>th</sup> Street South and 32<sup>nd</sup> Avenue South.

Based on the analysis above, Planning staff recommends denial of the requested growth plan amendment from "Commercial" to "Residential Area-Lower to Medium Density" as;

1. The "Commercial" land use designation, and not the "Residential Area-Lower to Medium Density" designation, is the appropriate one for the subject property's location at the corner of two arterial streets.
2. "Commercial" designated areas are intended to provide convenient services to the surrounding development area. The subject property is the only currently developable commercial area on a corner of two arterial streets, and one of few remaining developable commercial properties in a heavily residential three square mile surrounding area.
3. Retaining the "Commercial" land use designation on this property is essential to providing an area for services serving the surrounding area as the demand for those services develops. The location of these services should be convenient to a neighborhood, ideally within a walk-able / bike-able distance, or at least something less than a two-or-more-mile car trip away.
4. The Growth Plan is a long-term view with a 20 to 50 year development horizon with the goal of creating a community where land uses are integrated to complement and reinforce each other. Modifications of the growth plan that "chip away" at this integrated plan—that is, that propose to eliminate a small area of a certain use without compensating for this change elsewhere in the plan---defeat the purpose and effectiveness of the growth plan.

These points are included in the findings below.

#### STAFF DISCUSSION WITH THE APPLICANT

Planning staff did have discussions with the applicant regarding development alternatives for this property other than the all low-density residential development that the developer is proposing. These alternatives included a mix of residential and commercial development. The developer has chosen to pursue his proposal for all low-density residential.

#### PUBLIC OPEN HOUSE

Pursuant to LDC requirements for growth plan amendments, Planning staff held a virtual open house on Monday, October 26, 2020, to allow residents and property owners in the area an opportunity to review and comment on the proposed Growth Plan Amendment. No members of the public participated in this open house.

#### DISCUSSION AT THE NOVEMBER 3<sup>rd</sup>, 2020 PLANNING COMMISSION HEARING

The minutes of the November 3<sup>rd</sup>, 2020 Planning Commission summarize the discussion on this project at that meeting:

- Applicant Jim Bullis spoke on behalf of the application.
- Discussion was held on possible access points from surrounding streets.
- City Engineer Brenda Derrig spoke on behalf of the Engineering Department.
- Resident Nate Vollmuth spoke noting that property changes hands based on needs and that more factors should be looked at with Growth Plan Amendment changes since the Growth Plan was developed in 2007, 13 years ago.
- Jon Youness, Eagle Ridge Development, spoke on behalf of the application.
- Discussion was held on the type of density the application is seeking, the future timeline projection of the 76th Avenue Interchange, and if special assessments play a factor.
- Planning and Development Director Nicole Crutchfield stated the 2007 Growth Plan was developed to project for development 20 to 30 years into the future. She noted that development reached south quicker, but was still within the timeline. She added that personal economics or "holding costs" should not be a factor for growth plan amendments, and that studies are in process for the Land Development Code future amendments.

**PUBLIC COMMENT**

One letter of public comment was received from a neighboring property owner in opposition to the proposal. A copy of that letter is attached.

**Growth Plan Evaluation Criteria:** Section 20-0905(H) of the LDC states that the Planning Commission and City Commission shall consider whether the Growth Plan is consistent with and serves to implement adopted plans and policies of the city.

The 2007 Growth Plan sets forth the following criteria that should be used to evaluate any proposed growth plan amendment:

**1. Is the proposed change consistent with surrounding land uses, both existing and future?**

The proposed growth plan amendment is not consistent with surrounding land uses. The area is designated Commercial. The 2007 Growth Plan indicates that "Commercial" designated areas are intended to provide convenient services to the surrounding development area. The subject property is the only currently developable commercial area on a corner of two arterial streets. The classification of streets is largely based on the volume of traffic the street is designed to carry, with arterials carrying the highest volume. The LDC states that major features of arterials are that they are access controlled (signals at major intersections and stop signs on side streets) and serve to collect and distribute traffic to and from the next lowest street classification. Clearly, arterials such as 76<sup>th</sup> Avenue and 25<sup>th</sup> Street South are intended to be busy streets intended to move traffic. The 2007 Growth Plan states that the "Commercial" designation is intended to "provide convenient services" to the surrounding area and "is generally used in areas along arterial roadways. . . where single family residential land uses are not desirable" (p. 48) and stresses eliminating residential development along arterial roadways (p. 32). It also emphasizes that "encouraging mixed use neighborhoods with small commercial areas adjacent to residential areas can have a significant impact on the sustainability of the city"(p 37), and that commercial areas at the corners of arterials serve to keep residential development away from the arterial roadway (p. 59). Additionally, the subject property is one of few remaining developable commercial properties in a heavily residential three square mile area.

**(Criteria Not Satisfied)**

**2. Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future?**

The proposed growth plan amendment only refers to the changing the land use designation; no plat showing street alignments or connectivity is being reviewed with this growth plan amendment. However, with a growth plan change to residential, the roadway connectivity pattern would have to be amended which potentially would result in double fronted lots.

**(Criteria Not Applicable)**

**3. How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?**

The Growth Plan is a long-term view with a 20 to 50 year development horizon with the goal of creating a community where land uses are integrated to complement and reinforce each other. Modifications of the growth plan that "chip away" at this integrated plan—that is, that propose to eliminate a small area of a certain use without compensating for this change elsewhere in the plan---defeat the purpose and effectiveness of the growth plan. The proposed growth plan amendment would be a negative change for the City and the area in general, as it would deprive the surrounding residential areas of a location to meet the retail service demands of the surrounding area. The proposed growth plan amendment would negatively affect the land use balance in the larger area as it runs contrary to one of the purposes of land use planning stated in the 2007 Growth Plan, which is "to provide a mix of land uses that balance residential development with the services, retail, and amenities needed to establish a high level of convenience, efficiency, and livability" (p. 59). Further, that plan indicates that "a majority of daily needs should be met within the neighborhood," which "indicates a commitment to planning for

neighborhood commercial and retail uses adjacent to each neighborhood" (p. 27). Additionally, Fargo's Go2030 plan identifies this area near Davies High School along 25<sup>th</sup> Street South as a "neighborhood center," a form of walkable mixed-use center, which, though residential in character, will incorporate neighborhood services (p.34).

**(Criteria Not Satisfied)**

4. **How does the proposed change impact the long-term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?** Retaining the "Commercial" land use designation on this property is essential to providing an area for services serving the surrounding area as the demand for those services develops. The location of these services should be convenient to a neighborhood, ideally within a walk-able / bike-able distance, or at least something less than a two-or-more-mile car trip away. A change in land use would be impactful long term over decades to the surrounding area.

**(Criteria Not Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to **deny** the proposed Growth Plan Amendment from "Commercial" to "Residential Area-Lower to Medium Density" as the proposal does **not** comply with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, and Standards of Section 20-0905(H) of the LDC

**Planning Commission Recommendation: November 3, 2020**

At the November 3<sup>rd</sup>, 2020, Planning Commission hearing, by a vote of 6-2, with one Commissioner absent and two Commission seats vacant, the Commission moved to accept the findings and recommendations of staff and moved to recommend **denial** to the City Commission of the proposed Growth Plan Amendment from "Commercial" to "Residential Area-Lower to Medium Density" as the proposal does **not** comply with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, and Standards of Section 20-0905(H) of the LDC

**Attachments:**

1. Location Map
2. Growth Plan Map
3. Neighbor Comment Letter



# Growth Plan Amendment

## Eagle Valley Addition

7401 & 7501 23rd St S

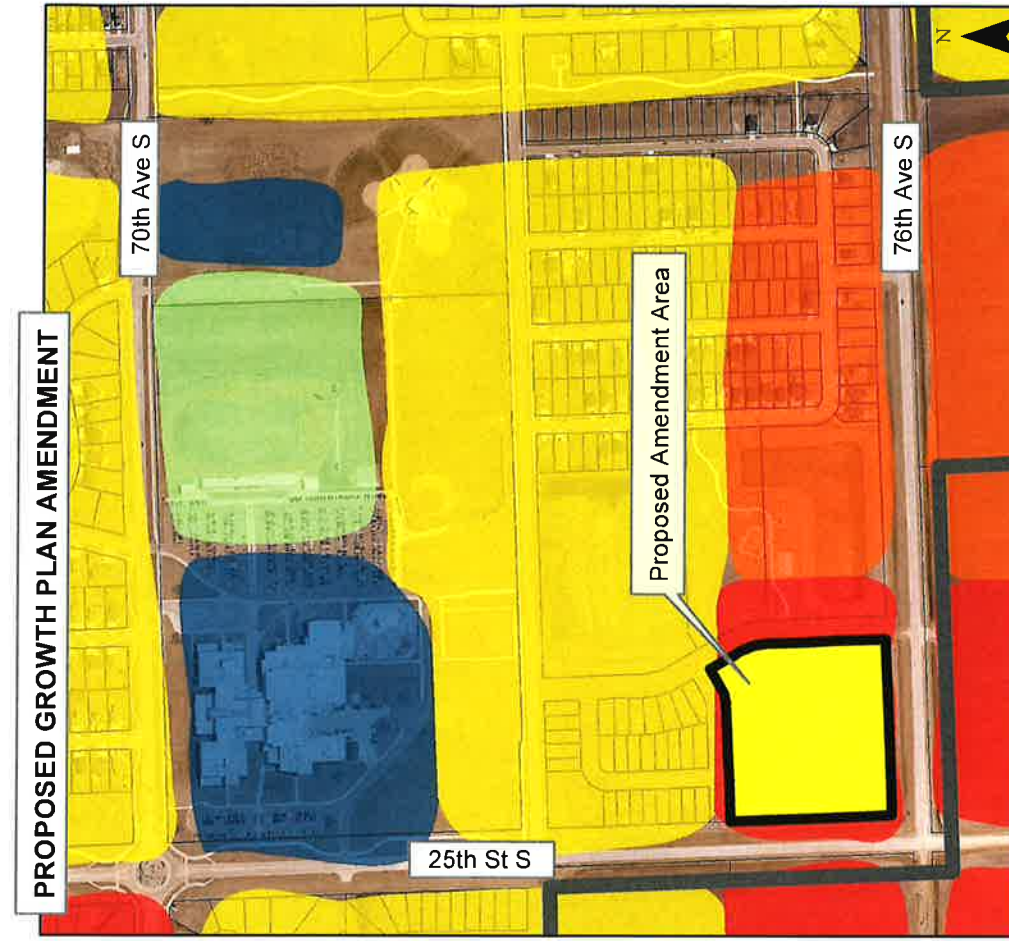
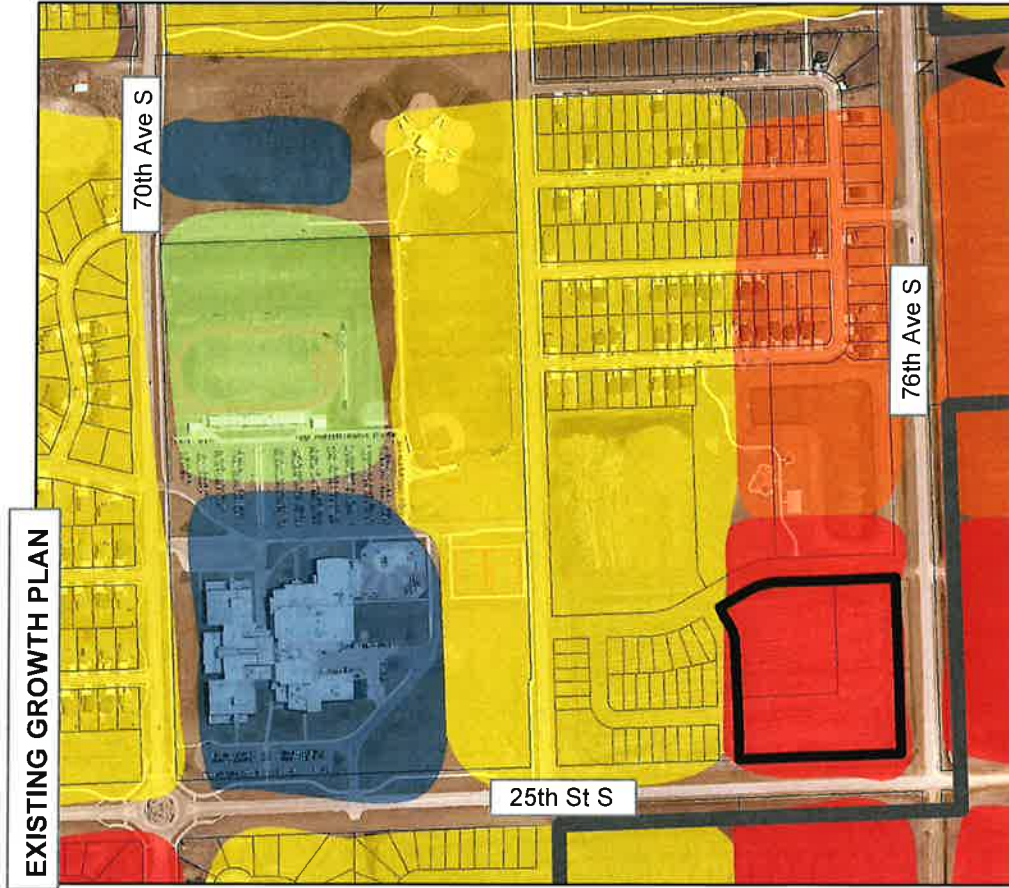




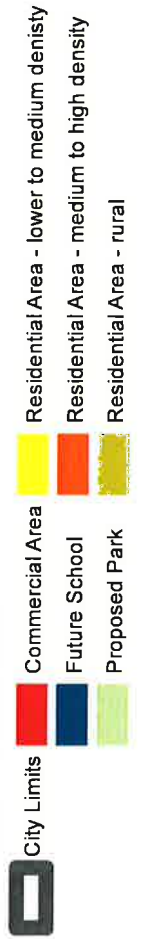
# Growth Plan Amendment

## Eagle Valley Addition

7401 & 7501 23rd Street South



2007 Tier 1 South East



**From:** Doug Desotel  
**Sent:** Tuesday, November 3, 2020 11:58 AM  
**To:** Donald Kress <dkress@FargoND.gov>  
**Subject:** Rezoning of land

Hi Donald

This email is in response to the land on 76 ave S and 25<sup>th</sup> st S that is being considered as commercial zoning now and there has been a proposal to change this to residential. As you know my siblings and I own the parcel just south of the land in question. I am reaching out to the zoning department, with my siblings and myself to oppose the change from the commercial use of the land to the north of ours at the present time. As you know I have worked in inspections for many years and I cannot see a good reason to change the zoning of the purposed land to residential. As we all know this will be a major corridor running both north and south in the very near future. So with that being said our family is Opposed to the rezoning of the land in question. If you need any further feedback from us please reach out to me.

Doug Desotel

300

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Archer Place South	<b>Date:</b>	10/28/2020
<b>Location:</b>	3104-3237 Robins Lane South	<b>Updated:</b>	11/23/2020
<b>Owner(s)/Applicant:</b>	Earlyne L. Hector/ Bolton & Menk, Inc.	<b>Staff Contact:</b>	Maggie Squyer
<b>Engineer:</b>	Bolton & Menk, Inc.		
<b>Entitlements Requested:</b>	Name Change Plat		
<b>Status:</b>	City Commission Public Hearing: November 30, 2020		

**Staff Analysis:**

The applicant is requesting the proposed *Name Change Plat* involving approximately 960 feet of the existing Robins Lane South located between Selkirk Drive South and 66<sup>th</sup> Avenue South within the Selkirk Place First Addition. The plat would effectively rename this section of street as **Archer Place South**.

As a matter of practice, the City has utilized plats to assign and document street names. The Land Development Code (LDC) is essentially silent on street naming requirements, procedures, or criteria for approval, other than §20-0604 which states, "Street names may not duplicate names of any existing street in the City or in adjacent communities except where the street is a continuation of an existing street. Streets must be numbered in accordance with the City of Fargo Street and property numbering system approved by the Board of City Commissioners."

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.

Property Owner Notices: Although not specifically required by the LDC, as a courtesy, the City has sent notification letters to property owners within 300 feet of the subject street consistent with Section 20-0901 of the LDC, in addition to published notification. To date, staff has not received any comments or negative feedback regarding the proposed *Name Change Plat*.

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby recommend approval to the City Commission of the *Name Change Plat* on the basis that it satisfactorily complies with the Comprehensive Plan, Standards of Article 20-06 and all other applicable requirements of the LDC."

**Planning Commission Recommendation: November 3, 2020**

On November 3, 2020 with a 7-0 vote with two Commissioners absent, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed *Name Change Plat* on the basis that it satisfactorily complies with the Comprehensive Plan, Standards of Article 20-06 and all other applicable requirements of the LDC.

**Attachments:**

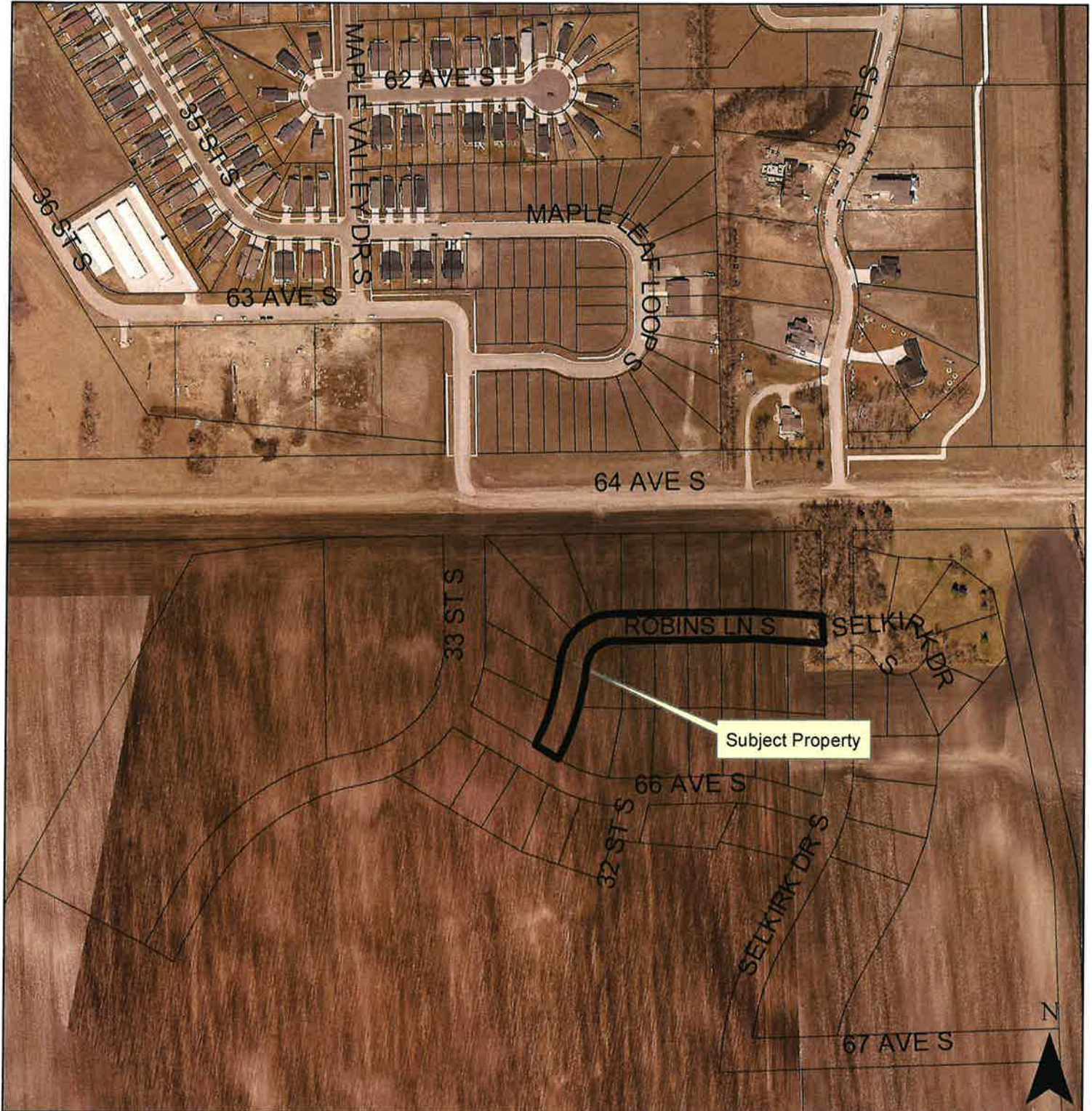
1. Location Map
2. Name Change Plat



## Plat (Name Change)

### Archer Place South

3104-3237 Robins Ln S



# NAME CHANGE PLAT

SELKIRK PLACE FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



## DESCRIPTION OF NAME CHANGE

The following lots in Selkirk Place First Addition, Cass County, North Dakota are being changed to Selkirk Drive South and Archer Place South as shown by said plat. The change is made for the purpose of correcting the name of the street and the name of the lots.

## CERTIFICATE OF ACCURACY

I, the undersigned, being a duly qualified and sworn Land Surveyor under the laws of the State of North Dakota, do hereby certify that the foregoing plat is a true and correct representation of the same to the best of my knowledge and belief, and that the same has been prepared by me or under my direct supervision and in accordance with the laws of the State of North Dakota.

On this 15th day of October, 2020, in the year 2020, before me personally appeared David E. Davis, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.



Notary Public

## FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Timothy J. Mahoney, Mayor

Attest: Steven Springer, City Auditor

State of North Dakota  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me personally appeared \_\_\_\_\_, Mayor, and Steven Springer, City Auditor known to me to be the persons who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

## CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

This Name Change plat is approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Timothy J. Mahoney, City Engineer

State of North Dakota  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me personally appeared David E. Davis, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

## CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

John Gustafson, Planning Commission Chair

State of North Dakota  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2020, before me, a Notary Public, personally appeared \_\_\_\_\_, Chair of the Fargo Planning Commission, known to me to be the person who executed the within instrument, and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public








30d

**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: JIM GILMOUR, STRATEGIC PLANNING DIRECTOR** 

**DATE: NOVEMBER 24, 2020**

**SUBJECT: RENEWAL PLAN & TAX INCREMENT FINANCING**

City staff have completed work on a Renewal Plan for redevelopment on a site southeast of 6th Avenue North and Oak Street. The project would demolish existing residential buildings and construct 117 apartments and 14 condominiums. Work would begin in the spring and be completed in 2022 or 2023.

The developer is requesting \$4,100,000, TIF fees paid to the City and interest on TIF costs. TIF eligible costs are land acquisition, demolition, removal of fill/debris and public facility costs, which include a flood protection levee. The estimated annual TIF revenue is \$282,000 a year and the maximum length of the TIF term would be 15 years after project completion.

This request was sent to City financial adviser PFM, who reviewed the project and concluded, "Based on the internal rate of return and the coverage requirements, the project would not be feasible without public assistance." PFM also concluded that "the developer will bear all the risk involved with the project." PFM estimates that based on the value of the project and the current property tax rate, the present value of the TIF revenue will be \$3.5 million.

Cass County opted not to participate in the TIF after the first 5 years. This would have made the project not feasible; therefore, the City of Fargo Finance Committee is recommending that the City of Fargo provide \$625,000 in sales tax funds to replace the funds that Cass County will retain from the potential TIF revenue.

Another important part to the project financing is Renaissance Zone approval of state income tax exemptions for purchasers of the condominiums. That application has been submitted but not yet reviewed by the Renaissance Zone Authority.

A public hearing on the Renewal Plan and Developer Agreement is part of the review process. One of the purposes of the hearing is to provide potential competitors an opportunity to comment if they feel the agreement would result in unfair competition.

**RECOMMENDED MOTION:**

Approve the Resolution adopting the Renewal Plan and a Developer Agreement with Craig Enclave OG, LLC to provide sales tax and Tax Increment Financing for the housing project.

**Attachments:**

1. Resolution
2. Renewal Plan
3. Financial "But For" Report
4. Development Agreement Information



RESOLUTION  
BOARD OF CITY COMMISSIONERS OF THE  
CITY OF FARGO

TAX INCREMENT FINANCING DISTRICT 2020-01

Commissioner \_\_\_\_\_ moved for approval of the following:

WHEREAS, Certain areas within the City are in need of redevelopment in order to prevent further deterioration, to encourage investment and to preserve property values; and

WHEREAS, The Board of City Commissioners desires to avail itself of the power and authority granted by Chapter 40-58 NDCC.

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners as follows:

1. That one or more slum or blighted areas, or areas consisting of industrial or commercial property, or a combination of those areas of properties, exist in the City of Fargo.
2. That the development, rehabilitation, conservation or redevelopment, or a combination thereof, of the area contained within the Renewal Plan for Tax Increment Financing District No. 2020-01, is necessary in the interest of public health, safety, morals or welfare of the residents of the City of Fargo and will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the development area by private enterprise.
3. That there are buildings within the area contained within the Renewal Plan with deteriorated conditions, and other soil conditions existing that discourage redevelopment. The Renewal Area, as defined in the Renewal Plan, is blighted due to the presence of these buildings and deteriorated conditions have substantially impaired the growth of the City, and have slowed the provision of appropriate redevelopment in this area. As a result, the Board of City Commissioners finds that a blighted condition exists in the said area.
4. That the area designated as the Renewal Plan for Tax Increment Financing District No. 2020-01 is appropriate for a development project.
5. That such development, rehabilitation, conservation or redevelopment of the area contained in the Renewal Plan for Tax Increment Financing District No. 2020-01 requires the powers and authority granted in Chapter 40-58 NDCC.
6. That the Renewal Plan for Tax Increment Financing District No. 2020-01 is hereby officially adopted by the Board.

7. That a Developer Agreement be prepared in regard to the Tax Increment Financing.
8. That the appropriate staff be directed to request the County Auditor and Treasurer to compute, certify and remit tax increments resulting from the development or renewal of the area in accordance with the plan and any modifications thereof, and that the County Auditor and Treasurer shall do so in accordance with this section.

Said motion was seconded by Commissioner \_\_\_\_\_ and, upon call of the roll, the motion carried with Commissioner(s) \_\_\_\_\_ not being present, Commissioners \_\_\_\_\_ voting aye, Commissioners \_\_\_\_\_ voting nay and Commissioner(s) \_\_\_\_\_ abstaining and the motion therefore being declared carried.

# City of Fargo, North Dakota

Tax Increment Financing Program

“But-For” Report

505 Oak Street North

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September 11, 2020



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## Purpose

The purpose of this report is to establish and determine the allowable value of the tax increment financing (TIF) for 505 Oak Street North, a development by Enclave Development (the "Developer").

PFM first reviewed the application to ensure that appropriate assumptions regarding property value, rent, condo sales, vacancy, expenses, and debt were used by the Developer. Based on those assumptions, PFM projected a 15-year cash flow, calculating an internal rate of return ("IRR"). We also made sure the Developer followed the City of Fargo's (the "City") Tax Increment Financing Policy (the "Policy") including the allowable costs and the Developer's calculations for determining the amount of allowable subsidy financing. The following report details PFM's analysis and conclusions concerning the viability of the proposed project without the subsidy.



## Project

The project being proposed by the Developer includes the development of an 117-unit rental apartment building and 14 condos located at Oak Street North and 5<sup>th</sup> Avenue North. The intent of the Developer is to sell the condos upon completion.

The Developer estimates the construction will be completed in the Spring of 2022 with occupancy immediately following. The Developer has requested TIF assistance in the amount of approximately \$4,450,000 to complete the project.



## Assistance Request

The Developer is requesting assistance in the form of tax increment financing under the City's Tax Increment Financing Policy. The Policy provides public assistance to a development through tax increment financing for private development. According to Policy #3, the maximum TIF assistance is 15 years and the Developer is asking for a 15-year exemption.

### Requested Reimbursement

Below is the detailed requested cost of the proposed project to be reimbursed.

Soil Correction and Remediation	\$1,125,000
Public Infrastructure	425,000
Land Acquisition/Write Down	1,650,000
Flood Associated/Levee Design & Construction	625,000
Building Demo, Clearing, Tree Removal	275,000
Site Constraints/Access Road	265,000
Legal and TIF Fees	85,000
<b>Total Requested Cost to be Reimbursed</b>	<b>\$4,450,000</b>

The Developer is requesting a total of approximately \$4,450,000 of costs to be reimbursed.

### Policy #8

Policy #8 limits the TIF assistance to 15% of hard construction costs, including the costs of acquisition. Based on total hard construction costs of \$21,625,081 the Developer can receive up to \$3,243,762. The Developer is requesting \$4,450,000 which is well above the maximum allowed. Policy #8 also states that the Developer must provide at least 10% of total capital costs as Developer's equity in the project. It is estimated the Developer will contribute \$6,482,949 as equity which is 25% of the total capital costs.

### Land Cost

The Developer states the purchase price to acquire the property for the project is \$2,850,000 including the land value at \$952,300. The price is based on the actual purchase agreement of the property. Land acquisition is reimbursable under the Policy. The Developer is requesting to be reimbursed \$103,199 for the land acquisition which complies with Policy #5.

### Policy #6

The Policy states that the maximum eligible land costs to be recouped by the Developer should be limited to the lesser of:

- 1.) **The total acquisition cost for the property, provided that the acquisition cost is no more than 150% of the assessor's market value of the property.** The Developer's cost to acquire the property is \$2,850,000. The assessor's market value for the property totals \$1,278,300. The eligible amount for reimbursement is 150% of \$1,278,300 which totals \$1,917,450. The Developer's reimbursement request of \$1,650,000 is within the allowable reimbursable amount under this policy.



- 2.) The difference between what was paid by the Developer for the property less the assessor's market value for the land (as opposed to land and buildings).**  
The current assessor's land value is \$952,300. Based on an acquisition price of \$2,850,000 the maximum reimbursement is \$1,897,700.

The lesser of the two tests detailed above is \$1,897,700. The requested reimbursement for land acquisition of \$1,650,000 is allowable under Policy #6.

### **Policy #3**

Policy #3 states the length of the term will be limited to 15 years or less. The Developer is requesting the full 15-year term.

### **TIF Estimate**

PFM estimates that \$4,984,046 of TIF will be generated over the 15 years assuming a 1.50% market growth rate. Based on a discount rate of 4.55%, the present value of the estimated TIF cash flow is \$3,589,204.





## Project Financing

The Developer is investing 25% equity, or \$6,482,949, and will be privately financing \$19,448,848. The Developer expects to pay down the loan principal with the condo profits in the estimated amount of \$4,926,650. The Developer is additionally requesting annual TIF assistance in the total amount of approximately \$4,450,000. The private financing is estimated to be a 25-year loan with an estimated interest rate of 4.55% resulting in an annual principal and interest payment of \$981,955, after the principal paydown. The application states the project will be completed by the Spring of 2022.



## Return Analysis

In calculating the internal rate of return, PFM first analyzed the Developer's assumptions including expected monthly rent, vacancy rate, operating expenses, and the sale of the condos. The Developer is proposing rents of \$925 for studio, \$1,125 for a one-bedroom unit, \$1,450 for a two-bedroom unit and \$1,850 for a three-bedroom unit. The Developer has proposed a reasonable amount for rent for the current market and location. The Developer also provided estimates of sale prices and fit up allowances for the condos which range from a sale price of approximately \$360,000 with a \$60,000 fit up allowance for a 1,240 square foot condo to approximately \$765,000 with a fit up allowance of \$105,000 for a 2,470 square foot condo. Annual estimates of operating expenses for the 117-unit rental development were provided, as follows; Maintenance Costs - \$39,602, Utilities - \$133,861, Miscellaneous fees - \$52,138, Real Estate Taxes - \$215,558 (apartments), \$33,338 (seven unsold condos), and Administration Costs - \$210,985. The total expenses are approximately 34% of gross operating income, excluding the real estate taxes for the unsold condos and the revenue gained from selling the condos.

The second step in determining the internal rate of return is to determine the earned incremental value of the property over a 10- and 15-year period. That value, along with the net operating income cash flows, was used to calculate the internal rate of return. PFM determined that without TIF assistance the Developer would have about a 9.00% internal rate of return based on 15 years and 10.04% for a 10-year internal rate of return. The Developer would have about a 12.52% internal rate of return for 15 years and 13.91% for 10 years, if it received the public assistance. In addition, PFM also looked at the internal rate of return if Cass County was excluded from the property tax exemption starting in Year 6. In that case, the 15-year IRR is estimated to be 12.22% while the 10-year IRR is estimated to be 13.67%. A reasonable rate of return for the proposed project is 13% - 20%.

Another measure of feasibility and project viability is the debt coverage ratio. PFM has projected a maximum debt coverage ratio (not accounting for the one-time revenue from the condo sales) in Year 15 of 1.22x without assistance, with a Year 6 coverage of 1.06x. If the City provided assistance to the project the maximum debt coverage is projected to be 1.59x in Year 15, with a Year 5 coverage of 1.39x. The maximum debt coverage ratio if the County did not participate after Year 5 would be 1.53x in Year 15, with a Year 6 coverage of 1.34x.

Using PFM's "without assistance" cash flow as the base scenario, PFM ran sensitivity analyses in order to determine if the project would be likely to occur without public assistance. For the first sensitivity analysis, PFM analyzed how much project funds would have to decrease in order to produce a reasonable internal rate of return. We also looked at how much the rental rates would have to fluctuate in order to achieve a reasonable internal rate of return. Lastly, we looked at a combination of the two scenarios. For the sensitivity analyses, we assumed a reasonable internal rate of return of 16.50%.

### Sensitivity Scenario 1 – Project Costs

The project would have to be reduced by \$4,160,000 or 16.0% in order for the project to become viable without assistance. This reduces the amount to be financed from \$16,610,523 to \$13,490,523 and reduces the annual payment from \$981,955 to \$914,476 for the loan. It is unlikely that a reduction in project costs of this magnitude would occur at this stage in the development.

### Sensitivity Scenario 2 – Rental Rates

In order for the project to be viable without public assistance, the rental rates would have to increase by 30.5%. PFM believes this is a high increase to the Developer's proposed rents. This increases annual rental revenue from \$1,644,900 to \$2,140,139. PFM believes the proposed rents are reasonable rental rates and does not believe an increase this large would occur.



**Sensitivity Scenario 3 – Combination of Project Costs and Rental Rates**

The final scenario looks at both a reduction of project costs and an increase in rental rates. The analysis showed that project costs would have to be reduced by \$2,000,000 or 7.7% and rental rates would have to increase by about 16%. While either of these events could occur, PFM does not believe they are likely to occur, especially together.

The above scenarios show the circumstances in which the project would become viable without public assistance. PFM has determined that the project is unlikely to occur "but-for" the public assistance.





## Conclusion

The Developer will bear all the risk involved with the project. The Developer is dependent on a number of factors before and after the project is completed, including project costs, occupancy of the buildings, the rental market, monthly expenses, and the ability to sell the condos at the projected sales price. The base scenario without assistance along with the sensitivity analyses demonstrates that the project would be unlikely to be feasible without assistance.

PFM has calculated that with public assistance, and based on the assumptions outlined in this report, a 10-year internal rate of return is estimated to be 13.91%. In addition, the coverage ratio in Year 10 is estimated to be 1.48x. The estimated internal rate of return is low given the risk level for this type of project. Based on the internal rate of return and the coverage requirements, PFM concludes the project would not be feasible without public assistance.



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**RENEWAL PLAN**  
**TAX INCREMENT FINANCING DISTRICT NO. 2020-01**  
**CITY OF FARGO, NORTH DAKOTA**  
**October 2020**

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## **RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2020-01**

### Subsection 1.1. Definitions.

For the purposes of the Renewal Plan, the following terms shall have the meanings specified below, unless the context otherwise requires:

"City" means the City of Fargo, a municipal corporation under the laws of the State of North Dakota.

"City Commission" or "Commission" means the Fargo City Commission.

"Comprehensive Plan" means the City's GO 2030 Comprehensive Plan, including the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City as and when such plan is adopted and finalized.

"County" means Cass County, North Dakota.

"Development" means the construction of new buildings, structures, or improvements; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures or improvements; the acquisition of equipment; and the clearing and grading of land on industrial or commercial property in the Renewal Area.

"Renewal Area" means the property described in Subsection 1.4 of this Plan.

"Renewal Plan" or "Plan" means this Plan adopted by the Commission for the Renewal Area.

"State" means the State of North Dakota.

"Tax Increment Financing Act" or "TIF Act" means North Dakota Century Code, Section 40-58-20, as amended.

"Tax Increment Bonds" means any general obligation or revenue tax increment bonds or notes issued by the City to finance the public costs associated with the TIF District as stated in this Plan, or any obligations issued to refund the Tax Increment Bonds.

"Tax Increment Financing District" or "TIF District" means Tax Increment Financing District No. 2020-01.

"Urban Renewal Law" means North Dakota Century Code, Chapter 40-58.

### Subsection 1.2. Statutory Authority.

The creation of the Renewal Area and the establishment of Tax Increment Financing District No. 2020-01 are authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or

blighted area, or combination of these properties as appropriate for a development or renewal project.

The Urban Renewal Law provides that communities develop a "workable program" for the use of public and private resources to facilitate the development of industrial or commercial properties, eliminate and prevent the development or spread of slums and urban blight, encourage needed urban rehabilitation, provide for the redevelopment of slum and blighted areas, or undertake these activities or other feasible municipal activities as may be suitably employed to achieve the objectives of the workable program. North Dakota Century Code, Section 40-58-04.

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan for TIF District No. 2020-01, the City Commission intends to make the following findings:

- (a) The Renewal Area includes a blighted area.

**Factual basis:** This Renewal Area is blighted due to the presence of deteriorated or deteriorating structures (substandard house size, unsound basements or foundations, inadequate roofing, asbestos construction materials) which substantially impairs the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use. Photos of the Renewal Area can be found in Appendix D.

- (b) The Renewal Area includes residential properties.

**Factual basis:** The renewal area is residential and considered blighted as described in (a) above. Blighted areas are eligible for renewal.

- (c) The Renewal Area is appropriate for a development or renewal project.

**Factual basis:** The Renewal Area is located within the DMU (Downtown Mixed-Use) and MR-2 (Multi-Dwelling Residential) zoning districts, which both permit multi-dwelling residential development.

- (d) Comparable replacement dwellings or housing is available to persons displaced by the proposed Tax Increment Project.

**Factual basis:** There are vacant apartments in the City. The multi-family vacancy rate in the City is estimated to be around 6.7% as of June 2020, which is high enough to meet the needs of the persons that would be displaced.

- (e) The Plan conforms to the Comprehensive Policy Plan for the City as a whole.

**Factual basis:** The proposed development is consistent with the goals that are embodied in the Go2030 Comprehensive Plan. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already

developed, serviced with utilities, and protected by a flood resiliency strategy. The promotion of infill development is the number two ranked priority of Go2030.

Additionally, the subject property is within walking distance of the downtown core, which provides an opportunity for residents to live in close proximity to shopping and work. The proposed use of the property is consistent with zoning, adjacent residential land use, and transportation facilities. The proposed development will not burden the existing infrastructure as the property is served with the water and sewer main lines.

Redevelopment of dilapidated houses conforms to Go2030, Community Development plans, and neighborhood plans.

#### Subsection 1.4. Description of Renewal Area

The TIF district Renewal Area is located on the northeast side of downtown Fargo, within the Horace Mann Neighborhood. More specifically, it is located on the southeast corner of Oak Street N and 6<sup>th</sup> Avenue N, consisting of a 3.2 acre tract of land as legally described in Appendix A. A map of the Renewal Area is attached as Appendix B.

The northwest quarter or so of the Renewal Area is within the MR-2 (Multi-Dwelling Residential) zoning district, with the remaining area being located within the DMU (Downtown Mixed-Use) zoning district. A zoning map of the Renewal Area is attached as Appendix C. Adjacent land uses and zoning districts include:

- North: Across 6th Ave N are single-family, duplex, and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and LC, Limited Commercial;
- East: is a park zoned AG, Agricultural;
- South: is a BNSF railroad zoned DMU, Downtown Mixed-Use;
- West: are single-dwelling and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and GC, General Commercial.

The proposed project includes the removal of the existing single- & multi-dwelling residences and the construction of a new multi-dwelling residential building with associated off-street parking facilities. The building would contain apartment rental units and "for-sale" condominium units. The redevelopment plan is attached as Appendix E. A future phase of development is anticipated to include the construction of attached townhomes on the northwest portion of the Renewal Area, within the MR-2 zoning district.

#### Subsection 1.5. Land Acquisition, Development, Demolition and Removal of Structures, Redevelopment, or Improvements

The Development of the Renewal Area includes the following activities:

Land Acquisition – The estimate is \$1,650,000.

Demolition & Site Cleaning, Soil Correction and Remediation, and Grading – This cost is the estimate of the cost to remove existing buildings and foundations, trees, and remove substandard soils and rubble, plus fill and grade the site. The estimate is \$1,400,000.



Flood Levee – This is the cost of the design and construction of a flood levee, including removal of soils below the levee. The estimated cost is \$625,000.

Public Works Improvements – This is the cost for needed improvements for infrastructure to serve the site including utilities, street improvements, sidewalks, lighting, and a bike path. The estimate is \$425,000.

Administrative/TIF Fees – Other Tax Increment costs include the administrative costs. There are estimated to be \$85,000 in administrative costs for the City of Fargo.

These costs represent estimated costs for planning purposes, and may be different when this plan is implemented with a development agreement. The development agreement costs will be determined after a review by City financial advisors. The maximum allowed costs will be specified in the development agreement. The City may contribute city infrastructure funds for a portion of these costs.

Subsection 1.6. Land Use Attributes – TIF District

- (a) *Zoning or Planning Changes.*  
The original residential lots in this TIF District have re-platted into two lots. The northwestern lot is 0.6 acres in area and is zoned MR-2 (Multi-Dwelling Residential). The other lot is 2.6 acres in area and is zoned DMU (Downtown Mixed-Use). No zoning and planning changes are required to accommodate this project.
- (b) *Maximum Densities.*  
The property within the TIF District will be developed in accordance with the applicable zoning district requirements. The DMU zoning district does not restrict the number of dwelling units, whereas the MR-2 zoning district restricts residential density to a maximum of 20 units per acre. The proposed 131-unit multi-dwelling residential building will be located within the DMU zoning district.
- (c) *Building Requirements.*  
All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.
- (d) *Plan relationship to land use objectives (land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public imps.)*  
The physical improvements outlined in the plan meet critical needs required for the redevelopment of this property. The project complies with the DMU zoning district and the redevelopment goals of the Go2030 Comprehensive Plan. The development provides for the infill of new residential dwelling units within an existing residential neighborhood within walking distance of downtown Fargo.

Subsection 1.7. Estimate of Development Costs

The City anticipates development of the Renewal Area will involve certain public costs. Under North Dakota Century Code, Sections 40-58-20 and 40-58-20.1 allow the use of funds received from tax increments to be applied to certain specified costs. The City will provide for certain costs as listed below in a development agreement. The primary costs involved in the development are, acquisition, demolition & site cleanup, and public works improvements.

Property Acquisition	\$1,650,000
Demolition & Site Cleanup	\$1,400,000
Flood Levee	\$625,000
Public Works Improvements	\$425,000
Administration	\$85,000
 TOTAL	 \$4,185,000

The City and Developer may also obtain reimbursement of interest between the time project costs are incurred and the date the Tax Increment Revenue Note is issued, such interest being capitalized and added to the foregoing costs.

#### Subsection 1.8. Estimate of Bonded Indebtedness

The City intends to finance certain costs of the Development through the issuance of a Tax Increment Financing Note to the Developer. In addition, the City may use general obligation bonds, special assessment warrants, or refunding improvement bonds pursuant to North Dakota Century Code, Section 40-58-20 (9), and the City may specially assess all or a portion of the costs of development and apply funds received from tax increments to payment of the special assessments and other bonds.

#### Subsection 1.9. Tax Increment Financing.

The County Auditor of the County is requested to compute, certify and remit tax increments resulting from the Development within the Renewal Area.

The original assessed value of the property within the Renewal Area, as last assessed and equalized before the base year of this Plan is outlined on Attachment A.

Each year the County Auditor will compute the amount of tax increment generated within the Renewal Area in accordance with the TIF Act. Any year which there is an "incremental value" as provided in the TIF Act, an increment will be payable to the City and deposited in the fund created by the County Auditor for that purpose. Any year in which there is "lost value" pursuant to the TIF Act, no increment will be payable to the City.

Subsection 1.10. Estimate of Tax Increment.

It is anticipated that the Development will result in an increase in true and full value of the Renewal Area redevelopment site to \$21,592,000. The value of the development site within the TIF district is \$1,278,900. The increase in value will be approximately \$20.3 million. Under the mill rate in effect as of the date of this Plan, the Renewal Area will generate tax increment each year in the estimated amount of \$282,000.

Subsection 1.11. Duration of the TIF District.

The City anticipates that the TIF District will continue until all development costs are reimbursed through the receipts of tax increment, or after a maximum of fifteen years. The estimated time period would be fifteen years after completion of the project. The first substantial tax increment payment will be recovered in 2023.



**APPENDIX A**  
**LEGAL DESCRIPTION OF PROPERTY**

Lot 1, Block 1, Craigs Oak Grove Addition, Vacated Portion of Elm Street, and a Portion of  
Lots 5, 6, and 7, Block 28, Keeney and Devitts Second Addition to the City of Fargo, Cass  
County, North Dakota

Also Known As:

Craigs Oak Grove Second Addition to the City of Fargo, Cass County, North Dakota

**APPENDIX B**

**MAP OF THE RENEWAL AREA/TIF DISTRICT**

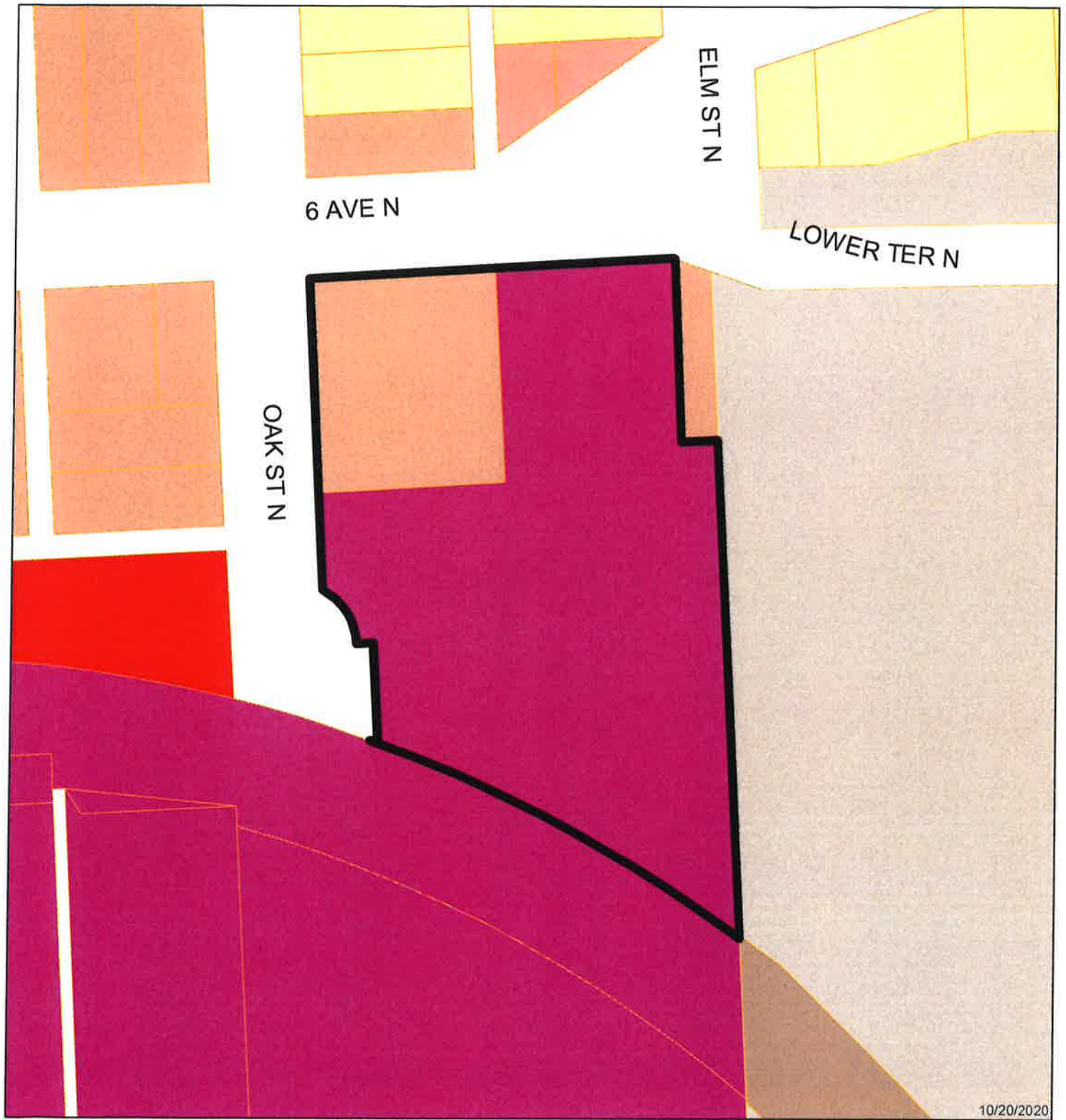
# TIF District No. 2020-01





**APPENDIX C**  
**ZONING MAP**

# TIF District No. 2020-01



## Zoning Districts

AG	LC	MHP	SR-2
DM	MP-1	NO	SR-3
GC	MP-2	PI	SR-4
GO	MR-3	UMU	SR-5

 TIF District

0 50 100 Feet



**APPENDIX D**  
**PHOTOS OF EXISTING CONDITIONS**









October 28, 2020











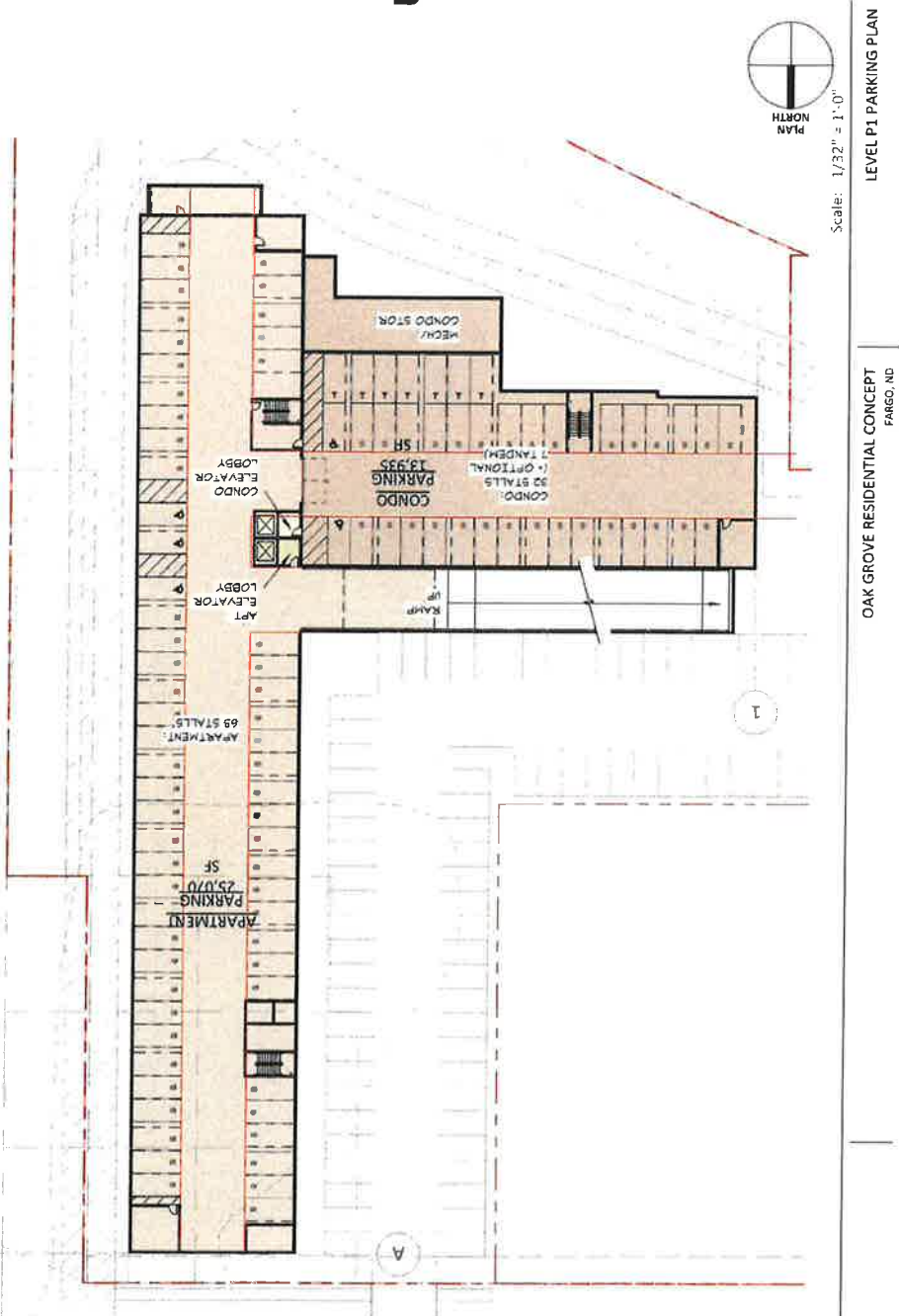
February 12, 2016



**APPENDIX E**  
**PLAN FOR REDEVELOPMENT**

FLOOR PLAN

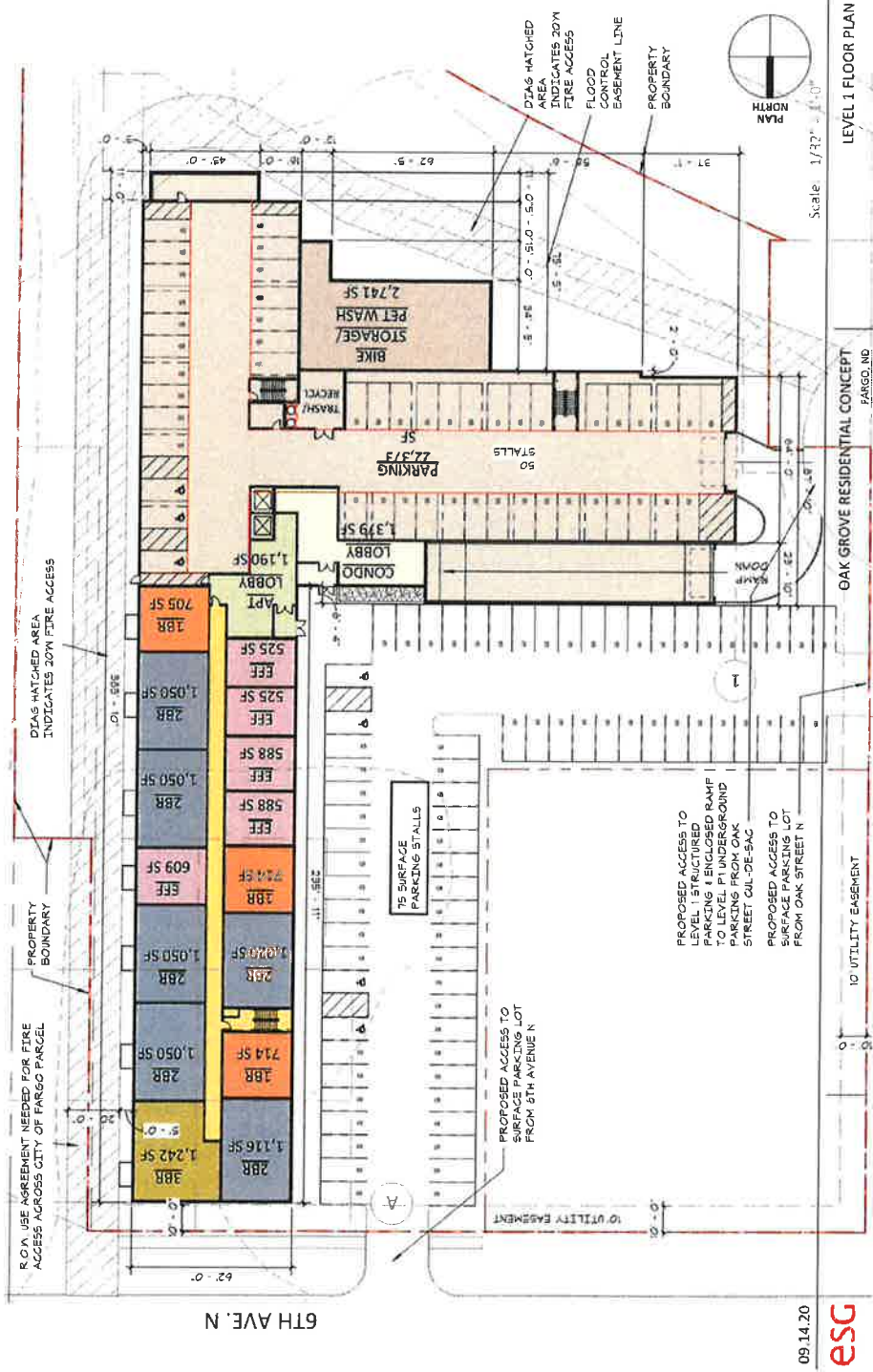
UNDERGROUND  
PARKING





FLOOR PLAN

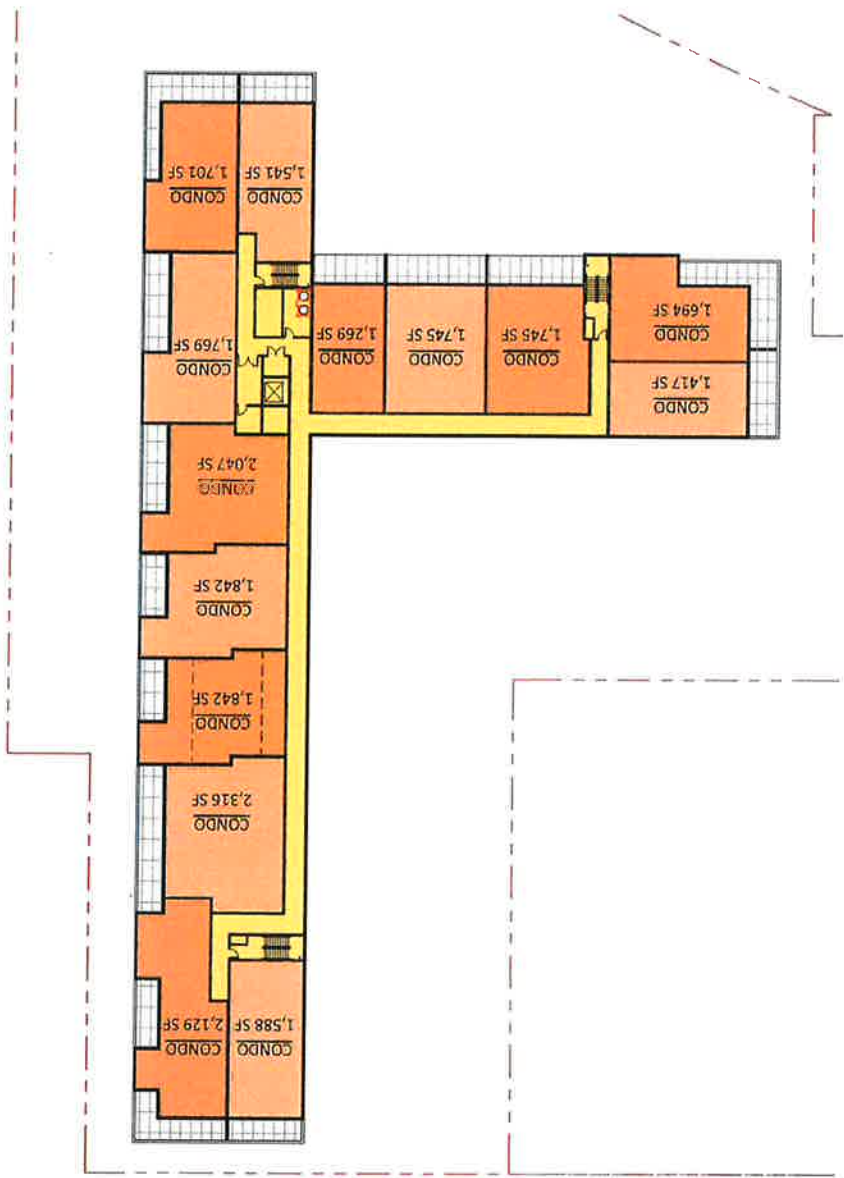
GROUND FLOOR



09.14.20

esc

5TH FLOOR  
CONDOMINIUMS



Scale: 1/32" = 1'-0"

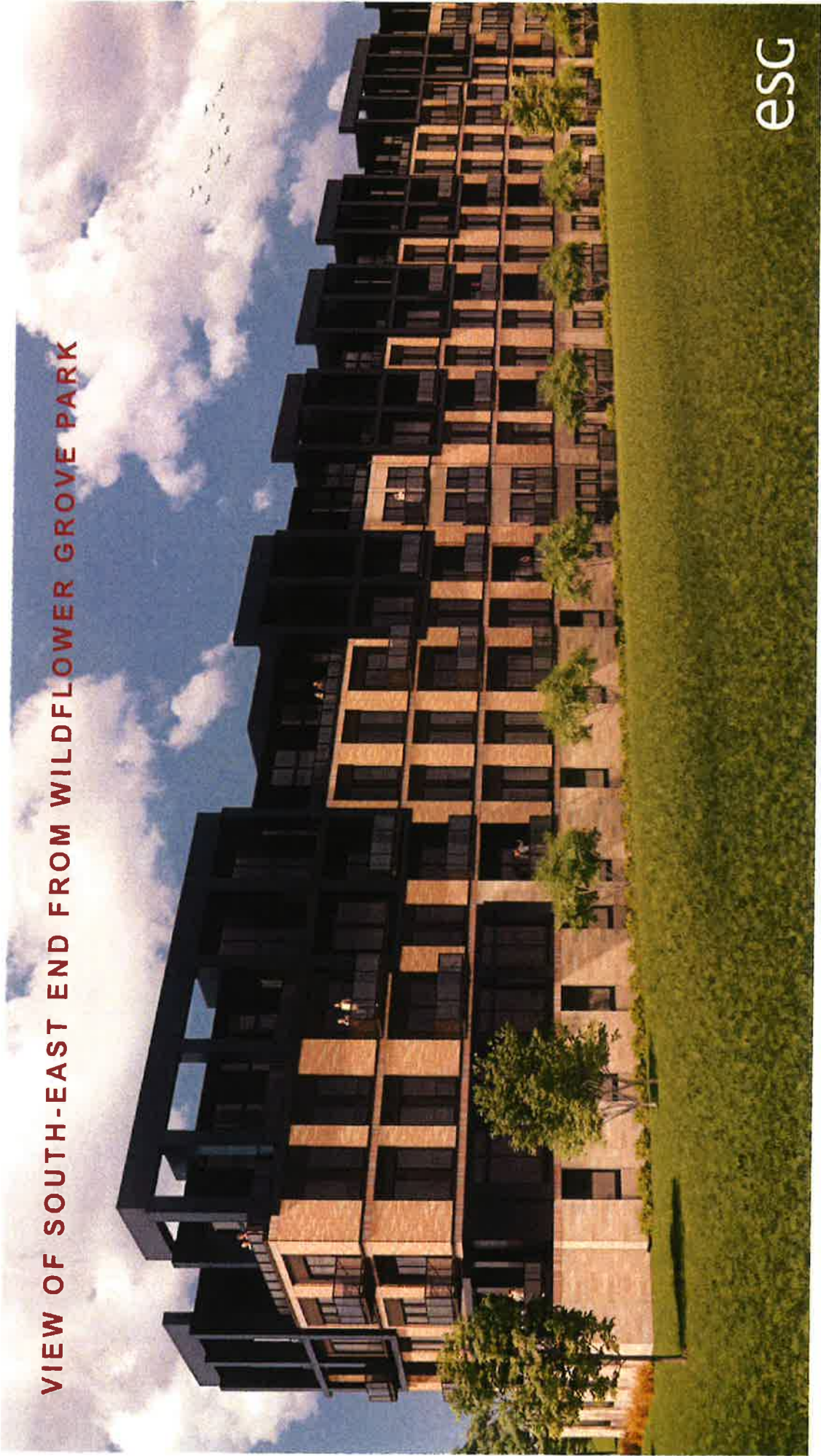
LEVEL 5 FLOOR PLAN

OAK GROVE RESIDENTIAL CONCEPT  
FARGO, ND

09.14.20







VIEW OF SOUTH-EAST END FROM WILDFLOWER GROVE PARK





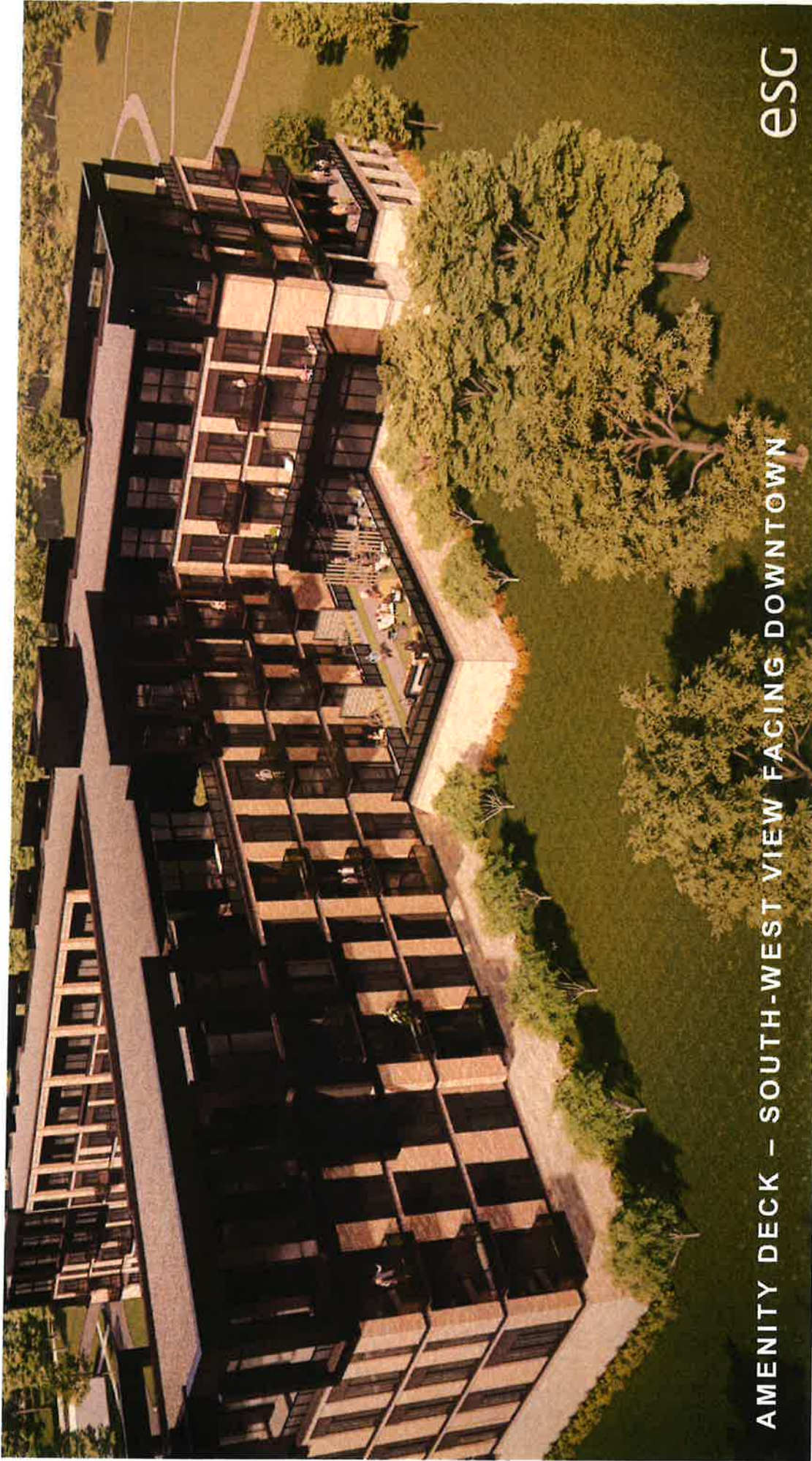




ENTRANCE – NORTH-WEST VIEW

esg





AMENITY DECK – SOUTH-WEST VIEW FACING DOWNTOWN



### Development Agreement Information

- Developer is Craig Enclave OG, LLC.
- City will provide up to \$3,560,000 of tax increment financing in the form of a Tax Increment Financing Note to be paid only from future tax increment financing revenue from this TIF district. Costs must be documented and limited to those listed in the Renewal Plan.
- TIF Note matures (ends) 15 years after completion of the project.
- City will provide up to \$625,000 for a flood levee, design to be approved by Engineering and costs documented.
- Developer will earn 4% interest on the TIF note.
- Developer will pay the City of Fargo \$85,000 in administration costs.
- Minimum estimated development of \$15 million.
- The completion date will be no later than December 31, 2023.
- The housing project will have at least 110 apartments and 12 condos.

**Office of the City Attorney**

**City Attorney**  
Erik R. Johnson

**Assistant City Attorney**  
Nancy J. Morris

November 24, 2020

Board of City Commissioners  
City Hall  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

**RE: Proposal to extend July 1, 2020, deadline for notice to terminate Airport MOU to July 1, 2021**

Dear Commissioners,

Your approval is being sought for an amendment to the January 14, 2020, Memorandum of Understanding (the "MOU") between the City of Fargo and the Municipal Airport Authority of the City of Fargo. As you probably know, this is a matter that Mayor Mahoney and Commissioner Strand have been working on together since entering into the mediation with the Airport that resulted in the January 14<sup>th</sup> MOU. The proposed amendment would provide a one-year extension of the July 1, 2020, deadline each party—the City and Airport Authority—to give notice to the other of an intention to terminate the MOU and, if such notice were delivered to the other party, then the MOU would terminate December 31, 2021.

Subparagraph 13.b. of the MOU currently reads as follows [emphasis added]:

b. This Agreement shall extend for an initial term of ONE (1) YEAR from and after the Effective Date, and shall automatically renew for a single THREE (3) YEAR term and shall automatically renew for successive FIVE (5) YEAR terms thereafter. This Agreement may be terminated by a party at the end of the initial one-year term upon written notice of termination delivered to the other party on or before July 1, 2020. As to the subsequent three-year or any of the successive five-year terms, this agreement may be terminated by a party at the end of any calendar year upon written notice of termination delivered to the other party on or before the prior calendar year-end.

At its August 25, 2020, meeting, by motion approved by the Airport Authority, it has been suggested that the July 1, 2020, "notice deadline" referred to above be extended by one year--to July 1, 2021. The City and the Airport Authority continue to work through certain discussion items that were identified in the MOU, at Section 11. Additional time is needed for such discussion to continue. It is important to point out that regardless of the one-year extension, the MOU is terminable by any party at the end of any calendar year upon one-year's advance notice to the other party (see final sentence in the above subparagraph 13.b).

It is my opinion that, if the Airport Authority's proposal is acceptable, the parties should execute a simple amendment of the MOU—essentially amending said subparagraph 13.b, accordingly. For your ease of reference, a copy of the January 14<sup>th</sup> MOU (without the attached exhibits) is enclosed herewith.

**SUGGESTED MOTION:** I move to approve the proposal of the Fargo Municipal Airport Authority and to authorize an amendment to the January 14, 2020, Memorandum of Agreement between the City and the Airport Authority extending the July 1, 2020, deadline for notice of termination of the MOU to July 1, 2021.

Sincerely,

A handwritten signature in black ink that reads "Erik R. Johnson". The signature is written in a cursive, slightly slanted style.

Erik R. Johnson

Handwritten initials "E.R.J." in black ink, positioned to the right of the printed name.

Enclosure



## **MEMORANDUM OF UNDERSTANDING**

### **City of Fargo – Municipal Airport Authority**

THIS AGREEMENT is made and entered into by and between the CITY OF FARGO, a North Dakota municipal corporation (hereinafter "City") and the MUNICIPAL AIRPORT AUTHORITY OF THE CITY OF FARGO (hereinafter "Municipal Airport Authority" or "MAA") a municipal airport authority established under the authority of N.D.C.C. Ch. 2-06 and by resolution of the board of city commissioners of the City.

### **RECITALS—HISTORICAL BACKGROUND**

The Fargo airport now known as Hector International Airport has been in its same general location since 1927, starting with a lease of a quarter of land by Martin Hector. On April 8, 1969, the Fargo board of city commissioners ("City Commission") adopted a resolution establishing the Fargo Municipal Airport Authority under the authority of N.D.C.C. Chapter 2-06 and, by agreement dated September 16, 1969, the City and MAA agreed (a) that effective April 8, 1969, the City assigned, transferred, and conveyed all rights of the City to the MAA to operate, maintain, lease and collect revenues from the airport (thereby transferring ownership and control of all airport lands); (b) that the City recognized that the MAA would have the right pursuant to Chapter 2-06 of the North Dakota Century Code to acquire additional property as an addition to the airport; (c) that the City would provide the MAA with the use of the City's treasurer and auditing department; (d) that the City "... will continue to regard the employees of the Airport Authority as City employees for the purpose of the City employees [sic] Pension Plan"; and, (e) that the MAA would pay the City \$30,000 annually plus any additional amounts necessary to reimburse the City for expenditures made by the City on behalf of the MAA. The 1969 agreement initially had a ten-year expiration date however in order to allow the MAA to be able to issue bonds payable from net revenues of the airport and to improve the marketability of such bonds, the requirement of the \$30,000 payment was modified to be subordinate to the bond payment obligations and the 10-year term was rescinded and repealed. (See Agreements dated September 16, 1969 and amendment dated June 24, 1970.)

From the time of the 1969 Agreement to calendar year 1986, the MAA paid to the City \$30,000 per year for services identified above (but later to include IT services as the same came into existence). In 1986, the MAA voted to raise the amount paid to the City by the MAA for said services to \$50,000, which the MAA has paid.

Since then the MAA has owned and operated the Hector International Airport. Over the course of the past 50 years, both the airport and the city of Fargo have grown, both in size and in complexity. Currently, 26 individuals (16 full time airport employees and 10 full time ARFF (Aircraft Rescue and Firefighting) employees), more or less, are employed at the airport, said employees being actively involved in all manner of operation and maintenance of the airport facility.

Those employees are on the payroll system of the City and are paid by City paycheck, are covered by the City workers' compensation coverage, are enrolled either in the City's retirement plan with the North Dakota Public Employee Retirement System or in the City employee pension plan as an employee of the City (pursuant to the agreement between the parties dated September 16, 1969), enrolled as the City's employee for state and federal unemployment compensation benefits, covered by having employee and employer contributions for social security (FICA) via the City paycheck, and covered as a City employee under the City's health and other benefits offered to City employees. The City and the MAA agree that the MAA pays any and all such costs associated with each of items identified above to the City.

As and for a pattern and practice, those 26 employees, and their predecessors, have been paid on the City's pay-plan—the compensation structure used for City employees. In particular since 1992, the City determined the value of a particular job based upon its decision-making requirements—the "Decision Band Method"—and the methods for determining pay within the City have been established by adopted city policy. The City's official pay plan provides a "step system" by which the compensation of a particular employee will be stepped up over time even when that employee remains in the same position. The City's pay policy also provides additional payment to longstanding employees for their longevity. The airport employees have participated in this since the inception of these policies and, prior to that, in accordance with whatever the

City's employment policies and procedures existed at the time. See generally, Fargo Employee Policy Manual, Article VI – Compensation/Benefits.

By way of this Memorandum of Understanding however, the parties wish to establish a separate "Airport Position Evaluation Committee" that will be comprised of appointees of the MAA and of the City, that will consider and determine requests for adjustment or departure from the City pay plan, utilizing as a basis for evaluation and decision-making comparable positions in the City, positions at airports in other cities and market data.

The North Dakota Airport Authorities Act, N.D.C.C. Chapter 2-06 [the "Airport Authorities Act"] was initially enacted by the North Dakota legislature in 1958, and has been amended from time to time since then. The Airport Authorities Act authorized the Fargo City Commission to establish Fargo's Airport Authority in 1969 and it provides airport authorities with broad powers, including the authority to employ employees, including its executive director, secretary, technical experts and other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation (see N.D.C.C. 2-06-06 (Commissioners,-Compensation-Meetings-Officers)); establish, enlarge, improve, equip, operate and maintain the airport and to acquire lands and property, even by eminent domain, for the airport and many other powers. See generally, N.D.C.C. §2-06-07 (General powers of an Authority). The Airport Authorities Act also contemplated the value of a close working relationship between an airport authority and the city by authorizing a city to provide assistance and cooperation by loaning money to the airport authority, to handle the finances of the authority, to furnish the airport with sewer and water, to dedicate, sell, convey or lease property to the airport, to provide streets and road access to the airport and to "[d]o all things not prohibited by law, necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction, or operation of airports." See N.D.C.C. §2-06-19. Cities and airport authorities are authorized to enter into agreements regarding this cooperation and assistance. *Id.*

The Fargo Municipal Airport Authority is fully authorized and has the authority to engage and employ its own employees and determine their compensation, and to own and operate the



Fargo airport (Hector International Airport) without the assistance from the city of Fargo that is authorized under Section 2-06-19, above-cited, it is the desire of the Municipal Airport Authority and of the City of Fargo that the cooperative relationship between the MAA and the City to continue, under the terms and conditions of this Memorandum of Understanding by and between the parties. The MAA and the City desire that the 1969 agreement between the parties, as amended in 1970, be updated and modernized in order that the relationship between the parties—which has evolved and changed over said 50 years--can be memorialized more completely and clearly by this Memorandum of Understanding.

The City and the MAA wish to enter into this Memorandum of Understanding in the spirit of mutual cooperation between the parties, and in furtherance of the current and future needs of the City, the MAA and the citizens of the City of Fargo and all airport users. The City and the MAA agree to maintain open lines of communication and to work together for the purpose of the betterment of the City and the Airport.

**NOW, THEREFORE**, based upon these premises and mutual covenants herein stated, it is hereby agreed:

Section 1. Definition. For purposes of this Agreement and as authorized by N.D.C.C. 2-06-06, the term "Airport Employees" will mean the (a) Executive Director and (b) those employees in the chain of reporting and accounting to the airport Executive Director, which employees are twenty-six (26) in number, more or less, as of the date of this Agreement.

Section 2. Airport Employees.

- a.) The Airport Employees will be employees of the City for purposes of the payroll system, pension, health insurance and other benefits, civil service, and applicable state and federal employment compliance requirements, city policy requirements and general financial and accounting standards specifically related to the areas identified at the inception of this paragraph and the subject of the Memorandum of Understanding by and between the City and the MAA.
- b.) By way of example, the parties acknowledge that one reason that Airport Employees are to be City employees for the purposes of city policy requirements is because the

City, through its Human Resources Department, is responsible for maintaining compliance with various state and federal employment-related regulations (e.g. FLSA, EEOC, FMLA, COBRA, Affordable Care Act administration, USERRA) and because the City HR support is to be provided as part of a "centralized service" where consistency and uniformity should be attained to the extent reasonably possible. Therefore, it is appropriate to apply certain city policies to Airport Employees and for the Airport Employees to know and understand what policies shall be followed.

- c.) The City and the MAA understand and agree that the above shall be subject to the command and reporting structure that recognizes the Municipal Airport Authority as the hiring authority (or, "appointing authority") of the Executive Director and with the governance, command and reporting structure in accordance with Chapter 2-06 as described further in Section 8, below.
- d.) In addition, the parties recognize and agree that the operations and activities at the airport require additional or, perhaps, different policies that must be enforced at the airport including, for example, policies that have been suggested or mandated by the aviation industry or by the FAA. Therefore, the parties agree that the MAA shall establish policies for Airport Employees that are in addition to, and not in conflict with, City employment policies and the MAA shall apprise the City of any and all such policies. With respect to MAA policies that will conflict with City employees, the parties agree to meet and confer regarding such policies and resolve any conflicting policies in a manner that will appropriately address the reason for the policy to be implemented while still achieving the goal of having policies that apply to Airport Employees that are as consistent and uniform with City policies as may be reasonable under the circumstances. The City and MAA agree to keep each other informed as to any changes in such policies.
- e.) Airport PEC. Requests by the MAA for compensation for Airport Employees outside of the City pay plan, utilizing as a basis for evaluation and decision-making

comparable positions in the City, positions at airports in other cities and market data, shall be determined as follows:

(1.) A separate position evaluation committee shall be established to be entitled the "Airport Position Evaluation Committee" ("Airport PEC") operating in the same manner as does the City "Position Evaluation Committee" operates with respect to other city employees, as the same has been established by City employee policies. The Airport PEC shall consist of five (5) members, appointed as follows:

(i.) two members shall be appointed by the chairperson of the MAA, with the consent of the MAA, with one of said members being an MAA commissioner and the other being a city of Fargo resident who is neither a member of the Airport Authority nor the board of city commissioners of the city of Fargo; and,

(ii.) two members shall be appointed by the mayor of the City, with the consent of the board of city commissioners, with one of said members being the mayor or city commissioner and the other being a city of Fargo resident who is neither a member of the Airport Authority nor the board of city commissioners of the city of Fargo; and,

(iii) the fifth member shall be selected and appointed by the two non-MAA, non-city commissioner members.

(2.) The decision of the Airport PEC shall not be reviewable by, or appealable to, either the MAA or the City Commission.

Section 3. Pass-through of Employment Costs—City Made Whole. The City will be made whole from MAA-controlled funds as to all costs related to the employment of Airport Employees. The MAA and City will coordinate efforts to identify all such employment-related costs and to make arrangements for payment of such costs. The parties understand and agree that the Federal Aviation Administration ("FAA") regulations and/or policy is designed to preclude the unlawful diversion of airport funds and the parties agree to cooperate with each other in order to obtain from the FAA any approval or approvals of employment-related costs as may be necessary or appropriate.



Section 4. Cooperation and Assistance. In addition to the foregoing, as authorized by N.D.C.C. §2-06-20, MAA hereby requests of the City, and the City hereby agrees to provide, cooperation and assistance as set forth herein:

- a) Financial/Administrative and Accounting Services. The cooperation and assistance to be provided by the City Finance Department is described on the attached Exhibit A, except that the MAA intends to establish bank accounts for MAA funds reserved for capital improvements, other non-operational, and non-payroll purposes at First International Bank and the City is agreeable to the establishment of such bank accounts. The MAA also intends to establish a bank account for operational transactions at First International Bank while continuing to supply sufficient funding to the City (MAA sweep account at Wells Fargo) to cover the MAA's financial obligations to the City as contemplated under this Agreement and to work with the City and its Finance Department to identify satisfactory procedures for doing so. The parties also recognize that the City is opposed to the MAA establishing said additional bank accounts for operational transactions as the same would be contrary to the City providing financial assistance as a "centralized service"; however, the City is willing to include said matter as a topic of discussion, along with other topics as described in Section 11, below. The parties agree compliance with FAA regulations with respect to accounting and financial service activities is important as well as compliance with recognized governmental accounting principles and standards.
- i) Adherence to Recordkeeping and Accounting Standards. The City and the MAA understand and agree that the MAA will use its best efforts to comply with G.A.A.S.B. standards and will comply with obligations of federal and state grants provided to the MAA. The City and the MAA will assist and cooperate with each other in providing or sharing of relevant financial information. MAA will comply with City requests for assistance with respect to obtaining compliance with the policies, regulations and requirements, as applicable, of the Federal Aviation Administration. The parties

agree to obtain an independent third-party accounting service to aid the parties in this regard, if necessary.

- b) Human Resources Services. The cooperation and assistance to be provided by the City Human Resources Department is described on the attached Exhibit B.
- c) Information Systems Department Services. The cooperation and assistance to be provided by the City Information Systems Department is described on the attached Exhibit C.
- d) Streets and Mains Department Services. The cooperation and assistance to be provided by the Streets and Mains Department is described on the attached Exhibit D.

To the extent there are goods, materials and services are provided to MAA by the City that are not addressed in the descriptions provided herein, including the Exhibits, the City and MAA agree to cooperate with each other to identify the cost or other appropriate value for the same, to invoice such cost or value to MAA and for MAA to authorize and make payment to the City for the same.

Section 5. Appointment of MAA board members. The parties recognize and agree that, pursuant to N.D.C.C. §2-06-02, the members of the MAA board (commissioners of the authority per N.D.C.C. 2-06-02(3)) are appointed for five-year terms by the board of city commissioners of the City. The parties recognize that said appointments occur by recommendation of the mayor of nominees for such appointment with the board of city commissioners approving such nomination.

Section 6. Annual Report of Budgeted Revenues and expenses, Approval of budget and Establishment of Mill Levy. The MAA will provide to the City and annual report of budgeted revenues and expenses of the airport, said report to be in accordance with the established budget development timeline of the City, said report being in the same form as has customarily been provided to the City along with the MAA's request for a budgeted tax levy, as contemplated by

N.D.C.C. §§2-06-14 and -15. Said annual report shall be provided to the City regardless of whether or not the MAA requests a mill levy of the City.

Section 7. Compensation and reimbursement to City by MAA for services. The City is entitled to recoupment from MAA for the value of goods, materials and services provided. To the extent that such services are provided as "centralized services", the City shall be entitled to recoupment of the value of such centralized services. A costs allocation formula has been established by the City's Finance Director and a certification of such cost allocation for the fiscal years 2017 and 2018 (payment for calendar years 2016 and 2017 respectively) is attached to this MOU as Exhibit "E". The FAA has approved the Cost Allocation Plan as being in compliance with Federal Aviation Administration regulations (2 CFR Ch. II, Part 200, App. V). Therefore, for calendar years 2017 and 2018, the recoupment amount to the City of Fargo for said centralized services is agreed as being **\$98,144 (for 2016)** and **\$107,009 (for 2017)**, per the FAA. With respect to fiscal year 2019, and future years, the City and MAA will use said Cost Allocation Plan as a template and format to identify and agree upon the annual allocation amount to be paid to the City for the "centralized services" provided by the City. In the event the FAA, through a change in regulation, guidance or otherwise, requires a change in the approach or method of approved allocation of costs of centralized services, the parties agree to work collaboratively to arrive at an agreed-upon recoupment of such costs that will also be acceptable to the FAA and, to the extent there is a need for the Airport to obtain FAA approval, the City will cooperate with, and assist, the MAA in communicating with the FAA. Finally, the parties understand and agree that with respect to this Memorandum of Understanding, any recoupment amount going forward pursuant to this agreement, will need to be adjusted for any such services that either are no longer being supplied by the City or are additional services being supplied by the City to the MAA for purposes of determining the cost allocation, per the FAA. As with the pass-through of employment cost provision in paragraph 3, above, the parties understand that FAA regulations and/or policy is designed to preclude the unlawful diversion of airport funds and the parties agree to cooperate



with each other in order to obtain from the FAA any approvals of any such allocation of, and recoupment of the City for, the value of said "centralized services" that may be necessary.

Section 8. Governance, Command and Reporting Structure. Subject to Section 2, above, Municipal Airport Authority will have employment authority as prescribed in N.D.C.C. 2-06-06, and those employees will be subject to the following command and reporting structure:

- a. Municipal Airport Authority as "Appointing Authority" of Executive Director and Executive Director as "Appointing Authority" of other Airport Employees. The Municipal Airport Authority shall be the "appointing authority of the airport executive director and the airport executive director will be the "appointing authority" of all other airport employees.
- b. City Policies and Airport Operational Policies. Airport Employees shall comply with the City Human Resources Policy Manual and with the City Finance policies. However, the parties recognize and agree that there are standard operating guidelines and operational requirements fundamental to the prudent operation of the airport that will require additional policies and procedures to be adopted (or already have been adopted). Such policies and procedures may important for reasons of safety, security and other reasons; for compliance with airport regulations including Federal Aviation Administration or other state or federal regulations. The Municipal Airport Authority is authorized to adopt such policies and procedures. Such airport-specific policies, training and procedures shall include, at a minimum the following: Airport Ground Vehicle Training; TSA Airport Security Training; Airfield Operations Training; Airfield Rescue Firefighting (AARF) training; Air operations certification training; Wildlife hazard management training among others pursuant to FAR Part 139. A complete copy of all such operational policies and procedures that have been approved by the MAA shall be provided to the Human Resources Department of the City except as to policies that cannot be provided due to security-sensitive information.

Section 9. Reserved.

Section 10. Reserved.

Section 11. City and MAA Communication, Cooperation and Relationship. The City and the MAA agree that effort should be expended by the City as well as the MAA to improve the relationship of the parties and, in furtherance of such purpose, the parties agree as follows:

- a. The City will continue the tradition of appointing one of the members of the board of city commissioners as a "liaison commissioner" to the MAA. The MAA and the City share in the goal that the appointed liaison commissioner regularly attend the meetings of the MAA and sit at the table as a non-voting, ex officio member.
- b. The City will appoint a member of its administrative staff, or such other staff-level individual, to serve as a liaison to the administrative staff of the MAA. Said staff-level liaison from the City is also encouraged to regularly attend the meetings of the MAA and said liaison is encouraged to meet with airport administration to discuss matters of interest to the airport and the city.
- c. The parties are authorized and encouraged to take other action and organize other meetings or activities that may be necessary or appropriate to the achievement of the mutually-shared goal of the parties, their elected and appointed officials and their respective administrative and other staff members gaining a mutual understanding as to the operations of the airport and of city government. In furtherance of this goal, the City requests, and the MAA and City agree to participate in:
  - (1.) discussion of the operations of the airport and its administration, including discussion of the business relationships of the airport, the business-plan of the airport, safety procedures and policies, employment relations and/or procurement policies and procedures. Discussions may include dialogue regarding all ADA compliance requirements and analysis as to what aspects have been addressed or covered by the MAA and what aspects have been addressed or covered by the City (HR Dept) and, in addition, recordkeeping requirements for Airport Employees including, in particular, FAA or other federal regulatory requirements pertaining to such employee recordkeeping.
  - (2.) discussion of, and inquiry as to, finances and banking for airport funds, including:

- (i.) FAA regulations pertaining to airport finances, in particular FAA requirements for separate accounts;
  - (ii.) the MAA's desire to open separate bank accounting for both operating and non-operating purposes while still funding the City account or accounts as may be necessary or appropriate in order for the City to pay daily/weekly/monthly/annual payment obligations.
  - (iii.) policies and procedures regarding finance and banking that may be necessary or appropriate to maintain and comply with government accounting standards as well as FAA standards.
- (3.) discussion of, and inquiry as to, whether Airport Employees that have been enrolled in City's retirement plan administered through the North Dakota Public Employee Retirement System (NDPERS) program should be transferred to a retirement plan, still administered through NDPERS, that is established separately for the MAA and whether Airport Employees should be covered by a health insurance plan different than the health plan for City employees (whether offered by the North Dakota Insurance Reserve Fund or by some other entity or provider).
- (4.) one or more staff-level meetings (to include relevant City and Airport staff, as may be appropriate) intended to address improvement of the interaction between city and airport staff for the betterment of both.
- (5.) a review of the Airport firefighter compensation by the new Airport PEC (in view of the fact that the City undertook a review, recently, of the Fire and Police compensation).
- d. The City and MAA, and its respective board members, pledge and agree to undertake such effort as to establish and maintain an open line of communication by and between the parties.
- e. The City and the MAA also agree to make their best efforts to meet on at least a quarterly basis to discuss issues pertaining to the parties.



Section 12. Cooperation by and between the City and the MAA. The City and MAA agree to continue to cooperate and work with one another for the betterment of the City and airport and for the citizens of the City and surrounding communities and airport users as follows:

- a. The MAA will certify annually, to the City, the amount of the proposed tax to be levied by the City for airport purposes within the limitations of section 2-06-15.
- b. The City and the MAA agree to work in conjunction with one another with regard to any and all bonding needs of the MAA as it relates to airport projects.
- c. The City and the MAA agree to cooperate as it relates to Mutual Aid Agreements by and between the parties, as well as any future Mutual Aid Agreements as the same shall be necessary.
- d. The MAA will provide to the City easements, as it may need for City projects on or adjacent to Airport property unless required by the FAA for property acquired by the MAA with FAA funds. In that event, the FAA may require compensation to the MAA.
- e. The City and the MAA agree that each will work in conjunction with each other as it relates to the needs of all of the Departments of the City requiring assistance of the MAA such as Planning and Development, Assessor, Auditor, Engineering, Zoning, Waste Water Management and Water Treatment, Forestry, Police and Fire as well as other Department of the City if assistance shall so be needed by the airport.
- f. The City and the MAA agree to work in conjunction with each other in furtherance of economic development of the City of Fargo, the Airport, and surrounding communities for the benefit of all.

Section 13. Continuation of Prior Agreement--Initial One-Year Term--Three-Year Term and Successive Five-Year Terms.

- a. This Agreement shall serve as an amendment of the 1969 Agreement (as the same was amended in 1970) and shall serve to continue the mutually cooperative relationship between the parties for the foreseeable future.
- b. This Agreement shall extend for an initial term of ONE (1) YEAR from and after the Effective Date, and shall automatically renew for a single THREE (3) YEAR term and shall

automatically renew for successive FIVE (5) YEAR terms thereafter. This Agreement may be terminated by a party at the end of the initial one-year term upon written notice of termination delivered to the other party on or before July 1, 2020. As to the subsequent three-year or any of the successive five-year terms, this agreement may be terminated by a party at the end of any calendar year upon written notice of termination delivered to the other party on or before the prior calendar year-end.

Section 14. Indemnification. Each party will hold the other harmless and indemnify the other for any claims or demands brought or lawsuits filed against the other party for personal injury or damages to the property of any third person or persons, arising from the performance of this Agreement within the limits of N.D.C.C. Ch. 32-12.1 or -12.2.

Section 15. Dissolution. The City and the MAA understand and acknowledge that the City has the power pursuant to Chapter 2-06 of the North Dakota Century Code to dissolve an airport authority by resolution as set forth therein. The MAA certainly opposes such action by the City if contemplated. While the City and the MAA do not contemplate a dissolution of the MAA and the parties intend to continue to work with each other within the parameters of this Agreement, it has been previously suggested by the City that dissolution is an option for the City. If there is a decision by the City to initiate dissolution of the MAA, the City acknowledges that the MAA can oppose such decision and assert that a dispute between the entities exists as to the purported change in sponsorship and the Certificate of Operation. The City and MAA agree that in order for a change in sponsorship and the Certificate of Operation to be considered by the FAA, current FAA regulations state that any dispute would need to be resolved by way of a binding agreement between the parties or by court order. In the event of resolution of any dispute raised by the MAA is in favor of the City, the parties agree to work with the FAA and with each other so that the existing airport sponsor (the MAA) may continue to maintain compliance with Federal requirements, including FAA requirements and, in addition, the parties will work with one another and with the FAA with respect to a change-of-sponsorship that would be requested of the FAA by the City.

Section 16. The City hereby affirms its support for future growth and expansion of the Airport, including its passenger terminal, ramp areas, taxiways and runways, and the City hereby pledges to refrain from interference with plans or processes of the MAA to obtain federal and/or state grants or long-term financing of such Airport projects. The parties acknowledge and agree that the City has no authority to pledge MAA revenues or MAA funds of any type toward the repayment of any obligations of the City without the express approval of the MAA.


Section 16. Effective Date of Agreement. This agreement shall be deemed effective upon the first day of January, 2020.

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

[Remainder of page left blank—execution pages to follow]




**MUNICIPAL AIRPORT AUTHORITY OF THE CITY OF FARGO,  
a Political Subdivision under the laws of the State of North  
Dakota**

By   
Maj. Gen. Michael J. Haugen (Ret.), Chairman


By Shawn A Dobberstein, AAE  
Shawn A. Dobberstein, A.A.E, Executive Director

**CITY OF FARGO,**  
a North Dakota municipal corporation

By:

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

ATTEST:

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



32

November 30, 2020

**To:** Board of City Commissioners  
**Fr:** Michael Redlinger, Assistant City Administrator  
**Re:** COVID-19 Updates

**Background:** At the November 16, 2020 City Commission meeting, City staff was requested to prepare background information for the November 30, 2020 City Commission meeting on topics related to the City's COVID-19 response. These requests are summarized below. At the November 30<sup>th</sup> City Commission meeting, presentations will be made by City staff from the Health, Police, Administration, and Finance Departments on these topics following the standing COVID-19 update to the City Commission.

*Presentation Topics:*

- COVID-19 vaccine distribution plan (*Fargo Cass Public Health – Attachment #1*)
- Enforcement of COVID-19 recommendations and mask requirements (*Police Department*)
- Post-December 31, 2020 funding plan to support vaccine distribution and continued pandemic emergency operations (*Finance Department/Administration*)
- Report on economic impact of the pandemic on bar/restaurant/retail industry (*Administration*)

Attached is a memorandum prepared by Administration and the Finance Department regarding the status of Federal and State of North Dakota CARES Act funds that have been allocated to the City of Fargo (*Attachment #2*). Federal and State CARES Act funds, together with private funds from two foundations, will assist the City of Fargo in reimbursing eligible Public Health, Public Safety, Transit, and Red River Valley Task Force expenses it has incurred.



## COVID Vaccine Update for City Commission on 11-30-20

- A. Potential timing of vaccine arrival
  - 1. Requirements for EUA (Emergency Use Authorization)
    - a. VRBPAC (Vaccines and Related Biological Products Advisory Committee) reviews the development, authorization, and/or licensures of the COVID 19. Every indication is December 10<sup>th</sup> meeting.
    - b. ACIP (Advisory Committee on Immunization Practices) will meet 24-48 hours later to review and recommend priority groups and use of vaccine in the United States
  - 2. NDDoH allocations
    - a. Early indications are that Pfizer vaccine could be arriving for administration the week of December 14<sup>th</sup>
    - b. ND's initial allocations anticipated at this time are 6,825 doses of Pfizer and 2,000 doses of Moderna. Based on population.
- B. Priority Groups
  - 1. ACIP
  - 2. State
  - 3. Agency
- C. Effectiveness
  - 1. Pfizer (submitted for EUA on 11.20)
    - a. Storage and handling
    - b. 2 doses 21 days apart
    - c. Efficacy 95%
  - 2. Moderna (possible submission week of Thanksgiving week)
    - a. Storage and handling
    - b. 2 doses 28 days apart
    - c. Efficacy 94.5%
  - 3. Astra Zeneca- earliest availability 1<sup>st</sup> Quarter 2021
  - 4. Janssen- earliest availability 1<sup>st</sup> Quarter 2021 (only candidate that is a single dose)
  - 5. Other candidates also tentatively available Spring 2021.
- D. Administration Plans
  - 1. Healthcare partners
    - Self-administration plans or pharmacy partnerships (local v. CVS)
  - 2. FCPH plan
    - a. Communication needs related to disinformation and misinformation surrounding the development process of COVID vaccine.
    - b. Individual meetings/calls with healthcare priority groups to ensure vaccination plans are in place (large healthcare systems, LTC, group homes, EMS, and pharmacies)
    - c. Mixed Interest within the community
    - d. No charge to the vaccine to provide the best initial coverage for our community and to reduce any potential barriers surrounding cost, insurance
    - e. A vaccination site for healthcare workers that do not have a vaccination plan or available options will be set up (function as a closed POD)
    - f. After priority groups- move to community vaccine with general population. This timeline is not yet established.



November 30, 2020

**To: Board of City Commissioners**  
**Fr: Michael Redlinger, Assistant City Administrator**  
**Kent Costin, Director of Finance**  
**Re: Update on City of Fargo CARES Act Funding Allocations**

The purpose of this memorandum is to provide an update on Federal CARES Act funding, and how the City of Fargo has allocated these funds to date. CARES Act funds are being received from several Federal agencies, including:

- Department of Justice (DOJ)
- Department of Housing & Urban Development – Community Development Block Grant Program (CDBG)
- Federal Transit Administration (FTA)
- Federal Aviation Administration (FAA – Municipal Airport Authority)
- Federal Emergency Management Agency (FEMA)

In addition to significant federal support, the State of North Dakota is providing stimulus pass-through grants to the City's Public Health and Police Departments, as well as the Red River Valley COVID-19 Task Force, to support COVID-19 response. A summary of CARES Act funds received, as well as anticipated future funds, is detailed below.

### **1. City of Fargo Transit Department**

*Allocation:* \$7,936,636

*Use:* The City of Fargo is utilizing CARES Act funds from the Federal Transit Administration to complete a rehabilitation project at its downtown transit station and to fund other eligible transit operating expenses. The downtown transit facility is the MATBUS system's primary hub of operation for customers arriving in downtown Fargo or transferring to other routes in the system. In addition, CARES Act funds are being utilized to support transit operating budgets in 2020 and 2021. The MATBUS system implemented a "fare free" policy in March 2020 to assist customers impacted by the pandemic and potential loss of employment. The fare free policy will end on December 31, 2020, and has resulted in a cumulative revenue loss to date of \$658,388. CARES funds will offset this revenue loss in the 2020 Transit operating budget.

*Summary:*

<b>CARES Act – Transit</b>	<b>7,936,636</b>
Transit Operating	(6,138,612)
Capital – GTC Project	(1,798,024)
<b>Total Uses</b>	<b>(7,936,636)</b>

In addition to the above CARES Act funding, USDOT created an Emergency Relief Program that allows Transit COVID-19 expenditures to be funded at 100%. The Emergency Relief Program does not represent additional funding; rather it increases federal cost share participation from 50% to 100% for eligible expenses utilizing 2020 operating funds. Any funding not used under the Emergency Relief Program will be amended back into the 2020 Transit operating grant.

## 2. City of Fargo Public Safety

*Allocation:* \$15,072,662

*Use:* The City of Fargo is currently utilizing CARES Act funds from the State of North Dakota to reimburse public safety personnel expenditures (sworn officers) and to fund a critical project for community and police officer safety in 2020/2021 (Police Department body cameras).

Additionally, a DOJ supplemental grant in the amount of \$195,828 was awarded to the Police Department. This grant will fund Police Department overtime, personal protective equipment, and remote work equipment.

*Summary:*

<b>CARES Act – State of ND (Public Safety)</b>	<b>15,072,662</b>
Expenditures to Date	
Personnel Costs (12/31/20)	(15,072,662)
Future Activities*	
Police Department Body Cameras	(500,000)
Police Capital	(2,253,519)
Transfer to Disaster Fund – Ineligible Items	(910,000)

\*CARES Act infused dollars into the General Fund that are subject to future appropriation.

## 3. Fargo Cass Public Health

*Received to Date:*

*Allocation #1 – Local Public Health Unit Support:* \$2,444,012

*Allocation #2 – COVID-19 Red River Valley Task Force:* \$6,243,804

*Subtotal:* \$8,687,816

*Scheduled Future Allocation:*

*Allocation #3 – 2021 COVID-19 Funding:* \$601,716

*All Total:* \$9,289,532

*Use:* Fargo Cass Public Health is utilizing CARES Act funds from the State of North Dakota to reimburse expenses for the COVID-19 Red River Valley Task Force and operating expenses for Fargo Cass Public Health (e.g. personnel and supply costs). The Red River Valley Task Force funding is supporting several special activities, including Community Education and Outreach; Quarantine and Isolation Support; and Targeted Testing.



In addition to CARES Act funding, the Health Department has also received miscellaneous grants from the Dakota Medical Foundation, Bob Woodruff Foundation, and the State of North Dakota to support disaster operations, including the Gladys Ray Shelter (homeless support).

#### **4. City of Fargo Planning Department**

*Allocation:* \$1,044,369

*Use:* The Planning Department is utilizing CARES Act funds from the Department of Housing & Urban Development to supplement the City's CDBG program. Additional CDBG funds will be utilized for low- moderate housing activities.

#### **5. FEMA**

*Allocation:* \$94,412 (75% Federal reimbursement). Final allocation TBD.

*Use:* This FEMA allocation will support disaster-related public information dissemination; Police Department personal protective equipment; and decontamination.

#### **Conclusion**

The COVID-19 pandemic has significantly affected the City of Fargo's residents, businesses, and the operations of its local government. A coherent, sensible strategy is required to deploy Federal and State CARES Act funds to the community's greatest areas of need. The City of Fargo will judiciously use Federal and State resources to respond to, and recover from, this unprecedented public health and economic emergency. These funds are a critical component of the City's overall strategy and future success.

**City of Fargo, North Dakota**  
**COVID Disaster Summary Report**  
**As of 10/31/2020**

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**Review of all Covid Funding**

# of Grant Awards	15
Grantor Agencies	10

Total Dollars Granted	56,360,548.74
Total Expended To Date	22,966,877.73
Balance Remaining	33,393,671.01

**Review of Fund 411 - DS2002**

YTD Expense	2,657,800.33
YTD Revenue Received	1,614,683.67
YTD Revenue Expected	132,968.00
Expense not Funded	910,148.66

City of Fargo, North Dakota  
 COVID Disaster Grants Financial Status Report  
 As of 10/31/2020

Agency	Department	Fund	Awarded	Funding Name	Amount Awarded	Amount Spent	Award Remaining	Amount Received To Date	% Expended
Department of Justice	Police	411	Y	Coronavirus Emergency	185,828	7,982	187,836	-	4%
Federal Aviation Agency	Airport	561/563	Y	Supplemental Funding	21,637,515	3,500,018	18,137,497	3,500,018	16%
Federal Transit Administration	Transit	101	Y	CARES Act - Airport Grants	7,936,636	4,112,895	3,823,741	3,597,395	52%
Federal Transit Administration	Transit	411	Y	CARES Act - Section 5307	985,741	337,732	648,009	307,168	34%
Dept. of Health & Human Services	Health	101	Y	Emergency Relief Funding	1,353	1,353	-	1,353	100%
Dept. of Housing / Urban Development	Planning	231	Y	CARES Act - Provider Relief	1,044,369	68,286	978,083	-	6%
Federal Emergency Management Agency	All	411	Y	CARES Act - CDBG-CV	94,412	94,412	-	-	100%
State of North Dakota	Health Department	101/411	Y	FEMA - 75% Funding	2,444,012	1,254,451	1,189,561	1,254,451	51%
State of North Dakota	Health Department	101/411	Y	COVID-19 Stimulus	601,716	-	601,716	-	0%
State of North Dakota	Red River Valley Task Force	101/411	Y	2021 COVID-19 Funding	6,243,804	1,309,560	4,934,244	1,309,560	21%
State of North Dakota	Police Department	101/411	Y	COVID-19 Stimulus	15,072,662	12,201,679	2,870,983	12,201,679	81%
<b>Total Federal Assistance</b>					<b>56,268,049</b>	<b>22,885,380</b>	<b>33,381,669</b>	<b>22,141,625</b>	<b>41%</b>
NDDHS	Health	101	Y	State Grant - Shelter Manager	77,000	77,000	-	77,000	100%
<b>Total State of North Dakota Assistance</b>					<b>77,000</b>	<b>77,000</b>	<b>-</b>	<b>77,000</b>	<b>100%</b>
Dakota Medical Foundation	Health	411	Y	Local Grant	3,000	988	2,002	3,000	33%
Dakota Medical Foundation	Health	411	Y	Local Grant	10,000	-	10,000	10,000	0%
Bob Woodruff Foundation	ND CARES	411	Y	Local Grant	2,500	2,500	-	2,500	100%
<b>Total Local Assistance</b>					<b>15,500</b>	<b>3,498</b>	<b>12,002</b>	<b>15,500</b>	<b>23%</b>
<b>Grand Total of COVID Related Funding All Sources</b>					<b>56,360,549</b>	<b>22,966,878</b>	<b>33,393,671</b>	<b>22,234,125</b>	<b>41%</b>

(0)



33

**M E M O R A N D U M**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR  
TIA BRASETH, COMMUNITY DEVELOPMENT PLANNING COORDINATOR**

**DATE: NOVEMBER 25, 2020**

**RE: CARES ACT FUNDING AWARD - COMMUNITY DEVELOPMENT BLOCK  
GRANT PROGRAM (CDBG-CV) ROUND 3**

The City of Fargo has received a special allocation from the U.S. Department of Housing and Urban Development to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the growing effects of this historic public health crisis. Fargo will receive \$580,116 in the form of Community Development Block Grant (CDBG-CV) Round 3 funds (CFDA #14.218 – grant number B-20-MW-38-0001). This award coupled with the previously awarded \$464,253 of CDBG-CV Round 1 funds total \$1,044,369 in funding made available to support activities providing assistance to homeless, low and moderate income, and special needs populations.

**RECOMMENDED MOTION:** Accept the Community Development Block Grant (CDBG-CV) Round 3 allocation to the City of Fargo from the U.S. Department of Housing and Urban Development.

**Funding Approval/Agreement**


Title I of the Housing and Community  
Development Act (Public Law 930383)  
HI-00515R of 20515R

U.S. Department of Housing and Urban Development  
Office of Community Planning and Development  
Community Development Block Grant Program

OMB Approval No. 2506-0193  
exp 5/31/2018

1. Name of Grantee (as shown in item 5 of Standard Form 424) Fargo	3a. Grantee's 9-digit Tax ID Number 456002069	3b. Grantee's 9-digit DUNS Number 070265871
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 200 North 3Rd Street Fargo, ND 58102-0000	4. Date use of funds may begin 08/31/2020	
	5a. Project/Grant No. 1 B-20-MW-38-0001	6a. Amount Approved \$1,044,369
	5b. Project/Grant No. 2	6b. Amount Approved

**Grant Agreement:** This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Katy Burke		Grantee Name (Contractual Organization) Fargo (City Of Fargo, C/O City Audit)	
Title CPD Director		Title Mayor	
Signature X 	Date (mm/dd/yyyy) 11/24/2020	Signature X	Date (mm/dd/yyyy)

7. Category of Title I Assistance for this Funding Action:  Entitlement, Sec 106(b)	8. Special Conditions (check one) <input type="checkbox"/> None <input checked="" type="checkbox"/> Attached	9a. Date HUD Received Submission 11/18/2020	10. check one <input type="checkbox"/> a. Orig. Funding Approval <input checked="" type="checkbox"/> b. Amendment Amendment Number
		9b. Date Grantee Notified 11/24/2020	
		9c. Date of Start of Program Year 05/01/2020	
11. Amount of Community Development Block Grant			
a. Funds Reserved for this Grantee		FY (2020)	
b. Funds now being Approved			
c. Reservation to be Cancelled (11a minus 11b)			

12a. Amount of Loan Guarantee Commitment now being Approved N/A	12b. Name and complete Address of Public Agency City Of Fargo, C/O City Audit 200 North 3Rd Street Fargo, ND 58102-0000
<b>Loan Guarantee Acceptance Provisions for Designated Agencies:</b> The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency N/A
	Title N/A
	Signature X

**HUD Accounting use Only**

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153											
	176											
			Y					Project Number		Amount		
			Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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In addition to the terms and conditions in the Funding Approval/Agreement, the following requirements apply to Grantees receiving CDBG-CV funds in accordance with the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Pub. L. 116-136).

- 1) The Grantee agrees to comply with the requirements in the CARES Act that apply to CDBG-CV grants and must use the CDBG-CV grant funds to prevent, prepare for and respond to coronavirus.
- 2) The grantee agrees to comply with the requirements of the Housing and Community Development Act of 1974 (42 USC 5301 et seq.) and implementing regulations at 24 CFR part 570, as now in effect and as may be amended from time to time, and as modified by the rules, waivers and alternative requirements published by HUD from time to time. Rules, waivers and alternative requirements of Federal Register notices applicable to CDBG-CV grants are hereby incorporated into and made a part of the grant agreement.
- 3) The Grantee may use CDBG-CV funds as reimbursement for previously incurred costs, provided that those costs are allowable and consistent with the CARES Act's purpose to prevent, prepare for and respond to coronavirus.
- 4) The grantee agrees to establish and maintain adequate procedures to prevent any duplication of benefits as required by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115-254; 132 Stat. 3442).
- 5) The period of performance for the funding assistance specified in the Funding Approval/Agreement ("Funding Assistance") shall be six years. It shall begin on the date specified in item 4 in the Funding Approval/Agreement and shall end six years later, on the month and day specified in item 4. The Grantee shall not incur any obligations to be paid with the Funding Assistance after this period of performance.
- 6) The Recipient shall attach a schedule of its indirect cost rate(s) in the format set forth below to the executed Funding Approval/Agreement that is returned to HUD. The Recipient shall provide HUD with a revised schedule when any change is made to the rate(s) described in the schedule. The schedule and any revisions HUD receives from the Recipient shall be incorporated herein and made a part of this Funding Approval/Agreement, provided that the rate(s) described comply with 2 CFR part 200, subpart E.

<u>Administering Department/Agency</u>	<u>Indirect cost rate</u>	<u>Direct Cost Base</u>
_____	_____ %	_____
_____	_____ %	_____
_____	_____ %	_____
_____	_____ %	_____
_____	_____ %	_____

Instructions: The Recipient must identify each agency or department of the Recipient that will carry out activities under the grant, the indirect cost rate applicable to each department/agency



(including if the de minimis rate is used per 2 CFR §200.414(f)), and the type of direct cost base to which the rate will be applied (for example, Modified Total Direct Costs (MTDC)). Do not include indirect cost rates for subrecipients.

- 7) In addition to the conditions contained in the Funding Approval/Agreement (form HUD 7082), the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS); the System for Award Management (SAM.gov.); the Federal Funding Accountability and Transparency Act as provided in 2 CFR part 25, Universal Identifier and General Contractor Registration; and 2 CFR part 170, Reporting Subaward and Executive Compensation Information.
- 8) The grantee shall ensure that no CDBG-CV funds are used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For the purposes of this requirement, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water- related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.
- 9) The Grantee or unit of general local government that directly or indirectly receives CDBG-CV funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.
- 10) E.O. 12372-Special Contract Condition - Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.
- 11) CDBG-CV funds may not be provided to a for-profit entity pursuant to section 105(a)(17) of the Act unless such activity or project has been evaluated and selected in accordance with Appendix A to 24 CFR 570 - "Guidelines and Objectives for Evaluating Project Costs and Financial Requirements." (Source – This condition is included as requirement on the use of fiscal year 2020 CDBG funds by the Community Development Fund heading, Department of Housing and Urban Development Appropriations Act, 2020, Public Law 116-94, and is made applicable to this grant by the CARES Act).

(34)

Type: Federal Aid Project Applications

Location: Citywide

Date of Hearing: 11/23/2020

<u>Routing</u>	<u>Date</u>
City Commission	11/30/2020
PWPEC File	X
Project File	Jeremy Gorden

The Committee reviewed a communication from Transportation Division Engineer, Jeremy Gorden, regarding project applications for the Urban Grant, Urban Road, and Urban Regional Programs.

The following have been identified by staff for submittal:

Urban Grant Program (for downtown only) – 2023

- 2nd Street Pedestrian Bridge adjacent to City Hall

Urban Road Program - 2025

- Priority #1 – Pedestrian Bridge over Red River at 40<sup>th</sup> Avenue S
- Priority #2 – Striping Citywide
- Priority #3 – 17<sup>th</sup> Avenue S Reconstruction – 38<sup>th</sup> Street to 42<sup>nd</sup> Street
- Priority #4 – 25<sup>th</sup> Street Mill & Overlay – 32<sup>nd</sup> Avenue St to the Rose Creek Bridge
- Priority #5 – Concrete Pavement Rehabilitation (Spot Repair) – 3 Corridors
  - 45<sup>th</sup> Street – 16<sup>th</sup> Avenue N to 32<sup>nd</sup> Avenue S
  - Main Avenue – 25<sup>th</sup> Street to 45<sup>th</sup> Street
  - 7<sup>th</sup> Avenue N – 25<sup>th</sup> Street to I-29

Transportation Alternatives Program – 2023 & 2024

- Priority #1 – Drain 27 – 52<sup>nd</sup> Avenue S to 63<sup>rd</sup> Avenue S and into Deer Creek subdivision
- Priority #2 – Bison Village area – 10<sup>th</sup> Street alignment – 32<sup>nd</sup> Avenue N to 37<sup>th</sup> Avenue N
- Priority #3 – Drain 53 – 64<sup>th</sup> Avenue S to 73<sup>rd</sup> Avenue S
- Priority #4 – River Drive S – Harwood Drive to 40<sup>th</sup> Avenue S

Urban Regional Program – None

On a motion by Bruce Grubb, seconded by Ben Dow, the Committee voted to recommend approval of the projects listed above as the City of Fargo's priorities for projects to apply for Federal Highway Administration funds.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve the projects listed above as the City of Fargo's priorities for projects to apply for Federal Highway Administration funds.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: \_\_\_\_\_

Yes	No
_____	_____
N/A	_____
_____	N/A
_____	_____
N/A	_____

Developer meets City policy for payment of delinquent specials  
 Agreement for payment of specials required of developer  
 Letter of Credit required (per policy approved 5-28-13)

COMMITTEE

Tim Mahoney, Mayor  
Nicole Crutchfield, Director of Planning  
Steve Dirksen, Fire Chief  
Bruce Grubb, City Administrator  
Ben Dow, Director of Operations  
Steve Sprague, City Auditor  
Brenda Derrig, City Engineer  
Kent Costin, Finance Director

Present	Yes	No	Unanimous
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:



Brenda E. Derrig, P.E.  
City Engineer



November 18, 2020

To: Members of PWPEC

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

Subject: Federal Aid Project Applications for:  
Urban Grant Program for Year 2023  
Urban Road Program & Urban Regional Program for Year 2025  
Transportation Alternative Program for Years 2023 & 2024

The NDDOT is currently soliciting project applications for the 'Urban Grant Program' for projects in year 2023, for the 'Transportation Alternatives Program' for projects in 2023 & 2024, and for both the 'Urban Road Program' and 'Urban Regional Program' for federal aid projects for year 2025. The Urban Grant Program is for projects in the downtown area only, the Urban Regional Program is for projects located on US Hwy 10, 81 and Business 29, and the Urban Road Program can be used on any arterial or collector roadways.

The current programmed federal aid roadway projects for the FM metro region are as follows for the years 2021 to 2024:

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION 2021-2024 URBAN PROGRAM FMCOG - OCTOBER 2020							
Fiscal Year	Program	Location	Type of Work	Total Cost	Federal Share	State Share	Local Share
2021	HSIP	Fargo 38th St & I-29 Ramp	Turn Lanes, Signals, Pavement Marking	\$361,000	\$324,900	\$36,100	\$0
2021	HSIP	I-94 (W of Main Ave-42nd St Separation) EB/WB	High Tension Median Cable Guardrail	\$1,584,000	\$1,426,000	\$158,000	\$0
2021	HSIP	I-94 (42nd St Separation - I-29) EB/WB	Concrete Median Barrier	\$525,000	\$473,000	\$52,000	\$0
2021	Urban Roads	Fargo N University Dr (32nd Av N to 40th Ave N)	Reconstruction	\$6,000,000	\$4,500,000	\$0	\$1,500,000
2022	Urban Roads	Fargo 32nd Ave S (32nd-25th St)	Reconstruction	\$10,400,000	\$4,700,000	\$0	\$5,700,000
2023	Urban Roads	Fargo 52nd Ave S (63rd St-Sheyenne)	Reconstruction	\$7,000,000	\$5,000,000	\$0	\$2,000,000
2023	Urban Roads	Fargo Transit Capital	Transit Capital	\$1,250,000	\$1,000,000	\$0	\$250,000
2023	Urban Roads	Fargo 42nd St/I-94 Separation	Structure Rehab	\$275,680	\$223,108	\$0	\$52,572
2023 Pending Availability of Federal Funds	Regional	Fargo Main Ave (University - 25th St)	Reconstruction	\$15,412,522	\$8,369,948	\$1,226,416	\$5,816,158
2024	Urban Roads	Fargo Transit Capital	Transit Capital	\$1,250,000	\$1,000,000	\$0	\$250,000
2024 Pending Availability of Federal Funds	Urban Roads	Fargo 32nd Ave S (25th St - University Dr)	Reconstruction	\$9,600,000	\$7,680,000	\$0	\$1,920,000

Engineering staff met recently and discussed the projects to apply for and they are as follows:

Entity:	City of Fargo		Contact Person: Jeremy Gorden			Revision: October 2013				
Date: November 16, 2020		Phone Number: 241-1529			If you have questions with filling out the list, please contact Stacey Hanson at 701-328-4469					
FISCAL YEAR	FUNDING CATEGORY <sup>(1)</sup>	FUNCTIONAL CLASSIFICATION <sup>(2)</sup>	INVESTMENT STRATEGY <sup>(3)</sup>	TYPE OF WORK <sup>(4)</sup>	PROJECT LOCATION	PROJECT CONSTRUCTION COST				
						TOTAL	FEDERAL	STATE	LOCAL	NON-PARTICIPATING
2023	URBAN GRANT	Minor Arterial	N/R	New Ped Bridge	200 block of 2nd Street N	\$ 3,400,000	\$ 2,700,000	\$ -	\$ 700,000	
2025	URP	Minor Arterial	N/R	New Ped Bridge	40th Ave S over Red River	\$ 2,000,000	\$ 1,600,000	\$ -	\$ 400,000	2M coming from MN
2025	URP	Arterials & Collectors	PM	Striping	Citywide	\$ 1,200,000	\$ 960,000	\$ -	\$ 240,000	
2025	URP	Collector	N/R	Reconstruction	17th Ave S - 38th St to 42nd St, w roundabout	\$ 4,000,000	\$ 3,000,000		\$ 1,000,000	specials info
2025	URP	Minor Arterial	PM	Mill & Overlay	25th St - 32nd Ave S to Rose Creek	\$ 1,200,000	\$ 960,000	\$ -	\$ 240,000	sales tax match
2025	URP	Principal Arterial	PM	CPR	45th St - 16th Ave N to 32nd Ave S; Main Ave - 25th to 45th St; 7th Ave N - I-29 to 25th St	\$ 1,900,000	\$ 1,520,000		\$ 380,000	
						\$ 10,300,000	\$ 8,040,000	\$ -	\$ 2,260,000	Total for URP
2023/24	TA		New	Shared Use Path	Drain 27 - 52nd Ave S to 63rd Ave S	\$ 540,000	\$ 290,000		\$ 250,000	
2023/24	TA		New	Shared Use Path	Bison Village - 10th St alignment, 32nd to 37th Ave N	\$ 210,000	\$ 168,000		\$ 42,000	
2023/24	TA		New	Shared Use Path	Drain 53 - 64th Ave S to 73rd Ave S	\$ 310,000	\$ 248,000		\$ 62,000	
2023/24	TA		New	Shared Use Path	River Drive S - Harwood Drive to 40th Ave S	\$ 410,000	\$ 290,000		\$ 120,000	

#### Urban Grant Program (for downtown only) – 2023

2nd Street Pedestrian Bridge adjacent to City Hall

#### Urban Road Program - 2025

Priority #1 – Pedestrian Bridge over Red River at 40<sup>th</sup> Avenue S

Priority #2 – Striping Citywide

Priority #3 – 17<sup>th</sup> Avenue S Reconstruction – 38<sup>th</sup> Street to 42<sup>nd</sup> Street

Priority #4 – 25<sup>th</sup> Street Mill & Overlay – 32<sup>nd</sup> Avenue St to the Rose Creek Bridge

Priority #5 – Concrete Pavement Rehabilitation – 3 Corridors – 45<sup>th</sup> Street – 16<sup>th</sup> Avenue N to 32<sup>nd</sup> Avenue S; Main Avenue – 25<sup>th</sup> Street to 45<sup>th</sup> Street; 7<sup>th</sup> Avenue N – 25<sup>th</sup> Street to I-29

#### Transportation Alternatives Program – 2023 & 2024

Priority #1 – Drain 27 – 52<sup>nd</sup> Avenue S to 63<sup>rd</sup> Avenue S and into Deer Creek subdivision

Priority #2 – Bison Village area – 10<sup>th</sup> Street alignment – 32<sup>nd</sup> Avenue N to 37<sup>th</sup> Avenue N

Priority #3 – Drain 53 – 64<sup>th</sup> Avenue S to 73<sup>rd</sup> Avenue S

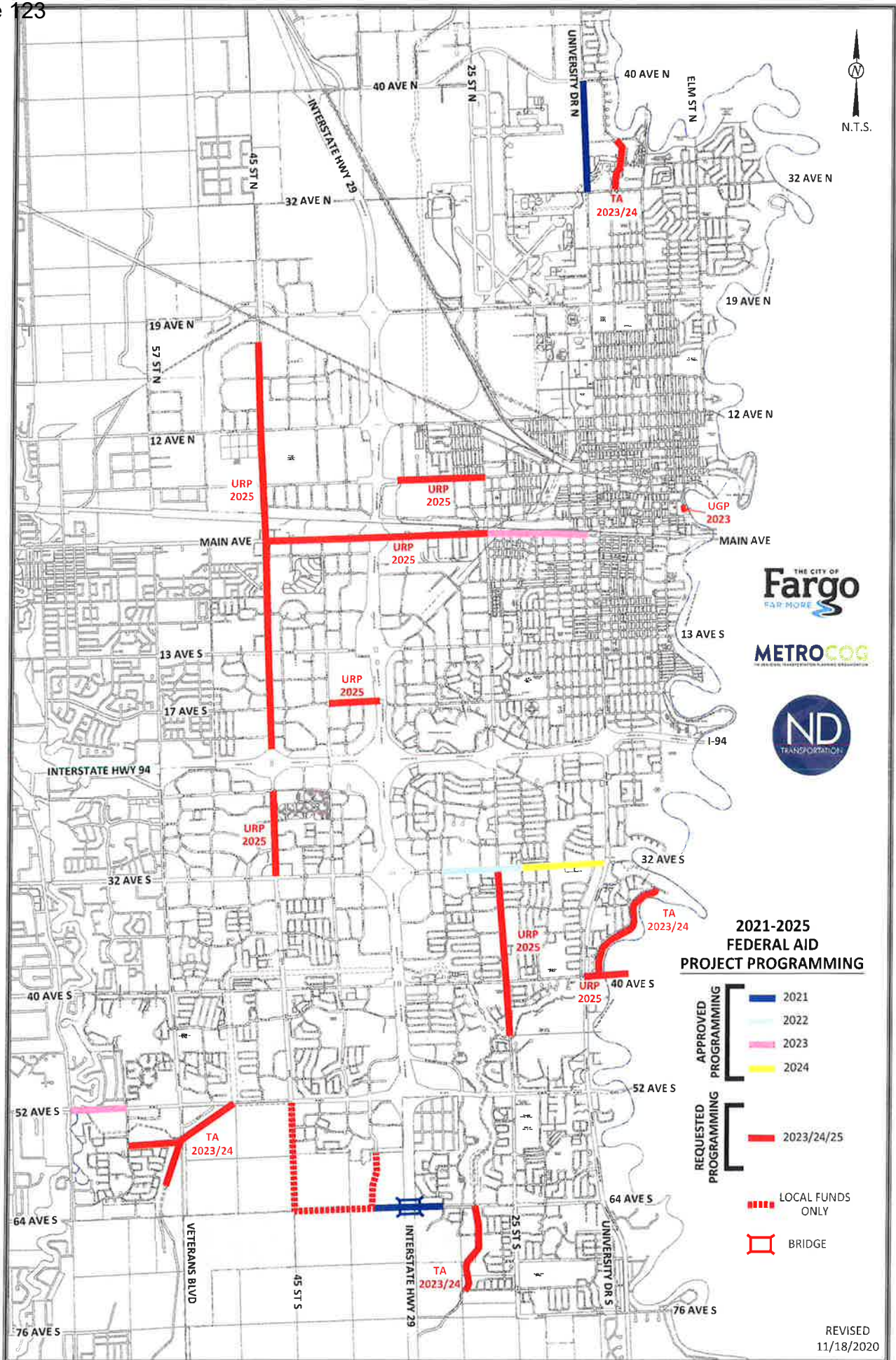
Priority #4 – River Drive S – Harwood Drive to 40<sup>th</sup> Avenue S

#### Urban Regional Program - None

#### Recommended Motion

Approve the projects listed above as the City of Fargo's priorities for projects to apply for Federal Highway Administration funds, working through both the FM Metro Council of Governments and the North Dakota Department of Transportation.

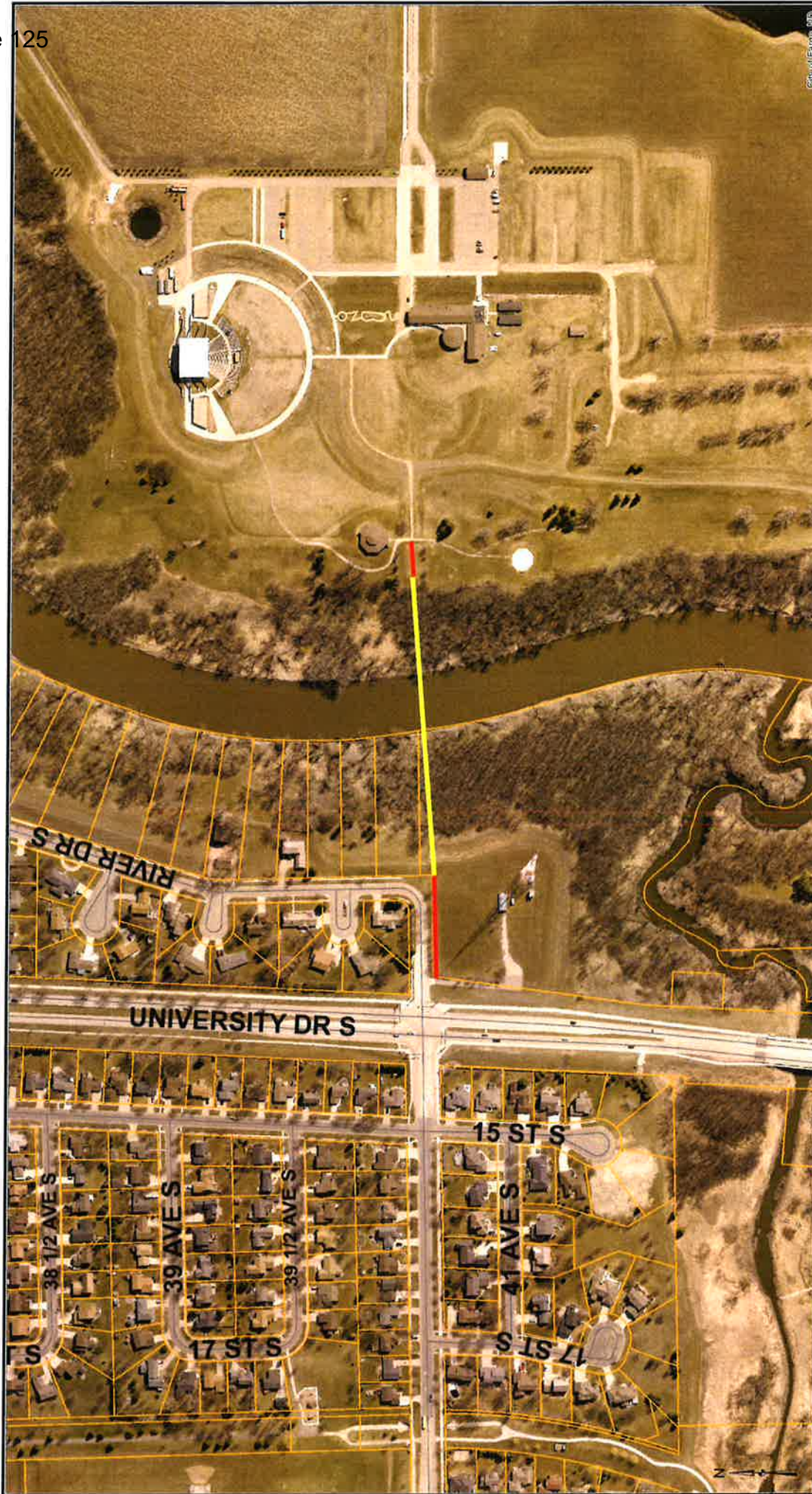
Attachments











City of Fargo, ND



## 40th Ave S Bridge over Red River

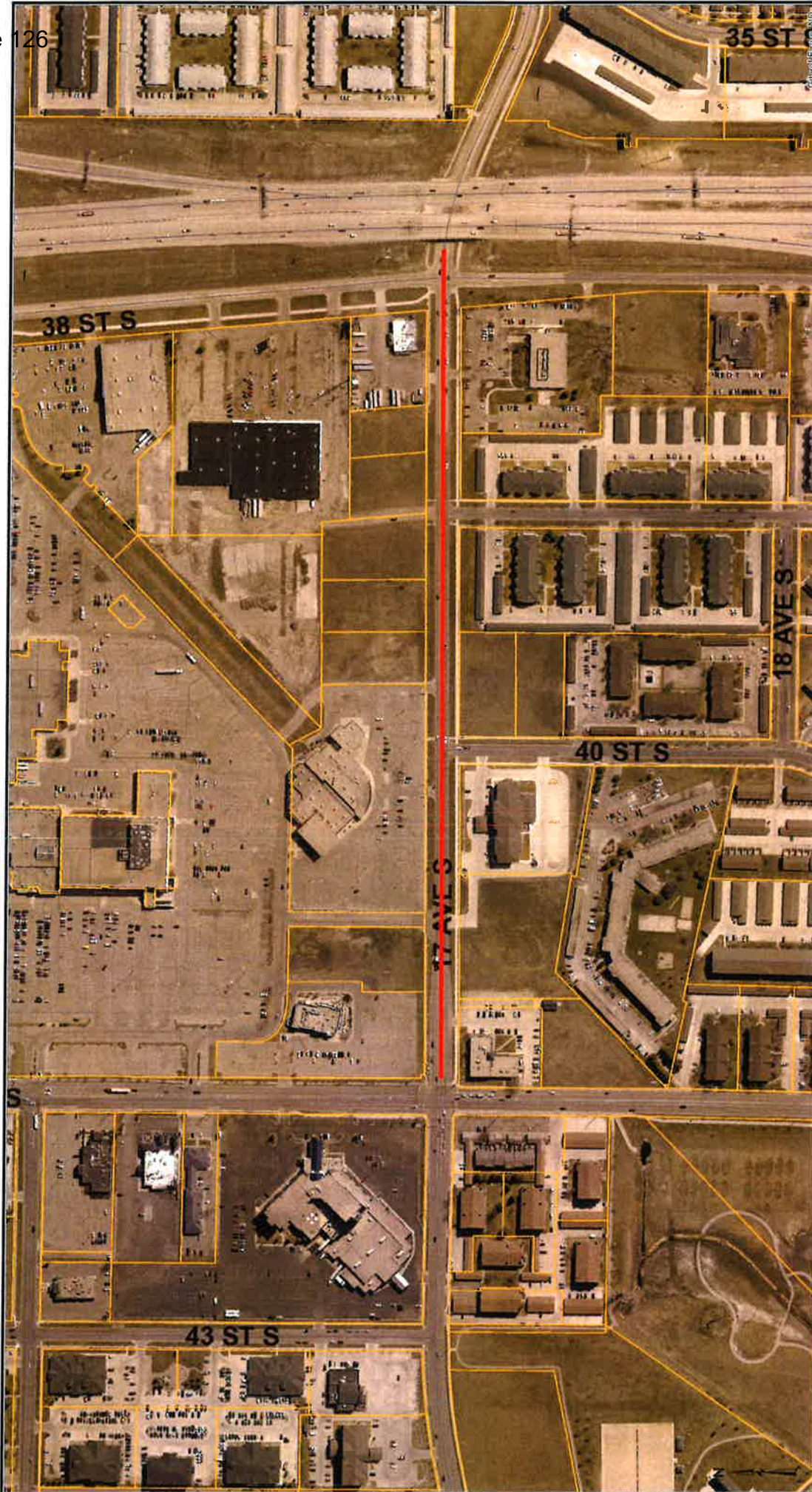
These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

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This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.





17th Ave S - 38th St to 42nd St

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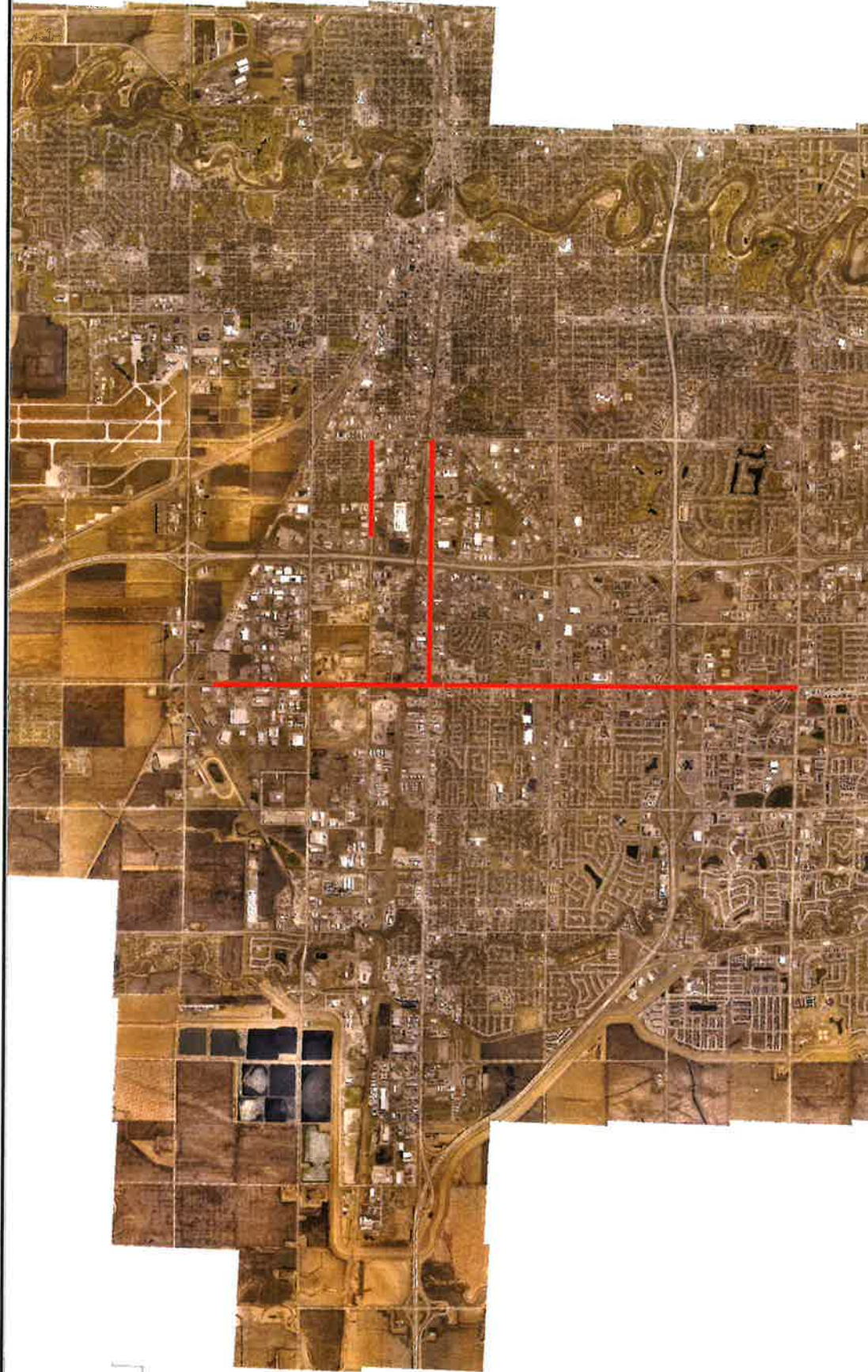
## 25th St S - 32nd Ave S to Rose Creek

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City of Fargo, ND



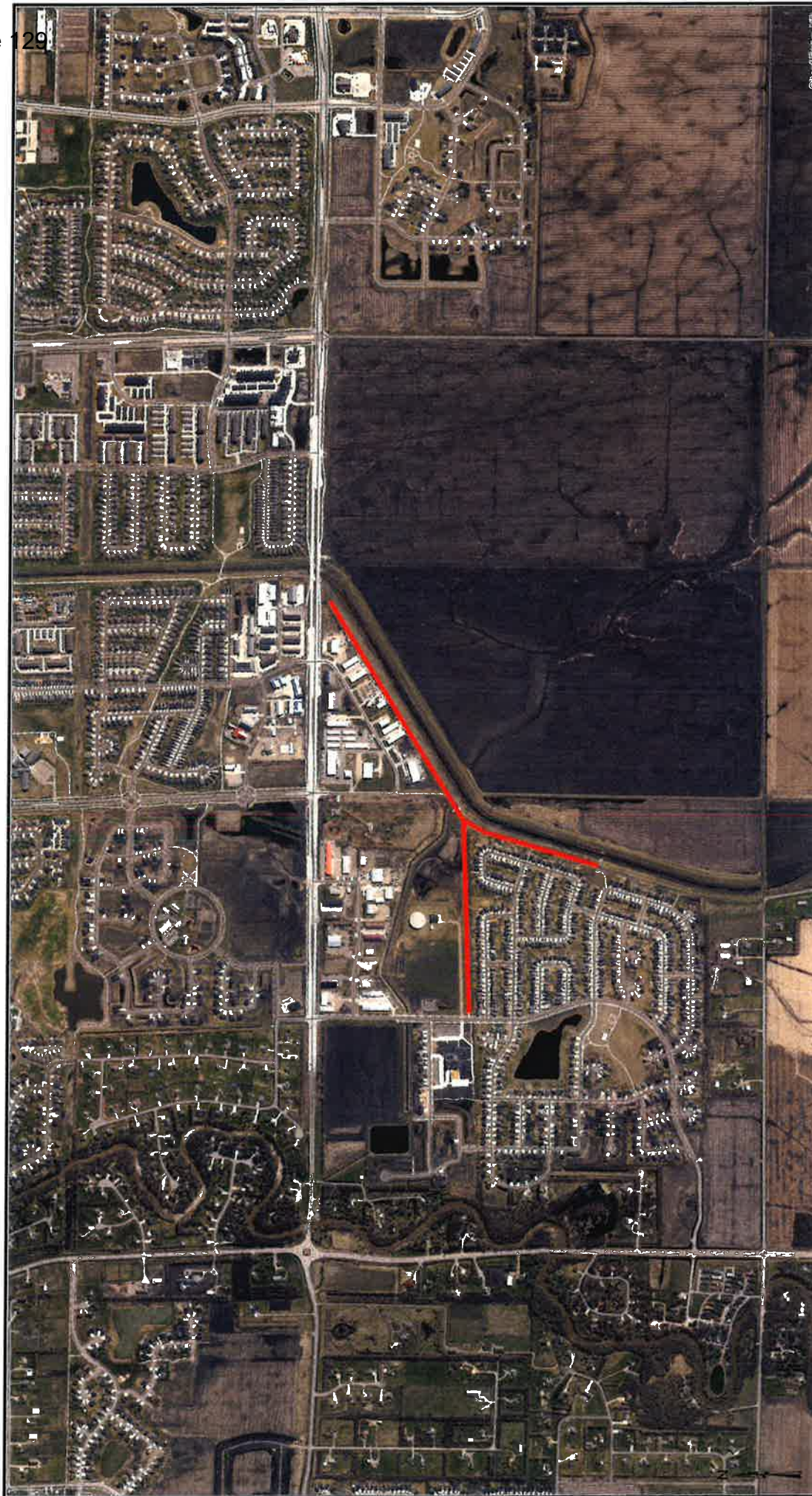
45th St, Main Ave, 7th Ave N

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City of Fargo, ND



## Drain 27 Shared Use Path

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CITY OF FARGO, ND



## Bison Village Shared Use Path

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### Drain 53 Shared Use Path



1:18,056

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## River Drive Shared Use Path



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11/17/2020 1:30:22 PM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



35

November 24, 2020

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

Re: Four-Year Capital Improvement Plan

Dear Commissioners:

Attached you will find our comprehensive report for the 2021 Capital Improvement Plan (CIP) along with a proposed 4-year CIP. Staff will be requesting approval of only those projects listed under Federal Aid, Water Main and Street Reconstruction, and Arterial Roadway categories in years 2022 – 2024. This will allow us to communicate earlier with those Fargo citizens that will be impacted by the projects.

I look forward to presenting the 2021 CIP Report and the proposed 4-year CIP and answering any questions you have. We will take the next two weeks to answer any remaining questions, make any necessary adjustments, and be back at the next meeting with a request for approval.

RECOMMENDED MOTION

Receive and File the proposed comprehensive 2021 Capital Improvement Plan (CIP) Report and 4-year CIP.

Respectfully,



Brenda E. Derrig, P.E.  
City Engineer

BED  
Attachments

# 2021



## 2021 Capital Improvement Plan



City of Fargo Engineering Department  
November 24, 2020

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## 2021 Capital Improvement Plan Summary

## Overview

Each year the City of Fargo Engineering Department is responsible for creating and managing a capital improvement plan (CIP) for the initial construction, preservation, and reconstruction of the city's infrastructure. Below is a summary of the 2021 CIP.

## Proposed Projects

Project	Preliminary Estimated Costs				Funding				
	Construction	ROW, Easements, Utilities, Outside Engineering	Fees and Contingency	Total	Outside Funding Sources	Flood Sales Tax	Special Assessments	Prairie Dog Funds	City Funds
Federal Aid Projects	\$21,779,358	\$7,186,236	\$3,484,697	\$32,450,291	\$15,876,719	\$0	\$14,327,272	\$0	\$2,246,301
Water Main & Street Recon Projects	\$8,050,000	\$0	\$2,093,000	\$10,143,000	\$0	\$0	\$2,701,771	\$2,500,000	\$4,941,229
Flood Control Projects	\$17,601,000	\$12,315,673	\$1,766,100	\$31,682,773	\$0	\$31,682,773	\$0	\$0	\$0
Pavement Preservation Projects	\$5,078,750	\$0	\$1,320,475	\$6,399,225	\$0	\$0	\$2,362,500	\$0	\$4,036,725
Storm Sewer Utility Projects	\$1,275,000	\$0	\$331,500	\$1,606,500	\$0	\$0	\$472,500	\$0	\$1,134,000
Traffic and Streetlight Projects	\$2,712,500	\$0	\$705,250	\$3,417,750	\$0	\$0	\$2,646,000	\$0	\$771,750
New Development Projects	\$26,971,919	\$5,045,406	\$6,201,699	\$38,219,024	\$1,352,000	\$0	\$36,867,024	\$0	\$0
Alley Paving Projects	\$420,000	\$0	\$109,200	\$529,200	\$0	\$0	\$529,200	\$0	\$0
Sidewalk Projects	\$420,000	\$0	\$109,200	\$529,200	\$0	\$0	\$264,600	\$0	\$264,600
Miscellaneous Projects	\$150,000	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$150,000
<b>Total 2021 CIP =</b>	<b>\$84,458,527</b>	<b>\$24,547,315</b>	<b>\$16,121,121</b>	<b>\$125,126,964</b>	<b>\$17,228,719</b>	<b>\$31,682,773</b>	<b>\$60,170,867</b>	<b>\$2,500,000</b>	<b>\$13,544,605</b>

## Federal Aid Projects

### Overview

Federal aid projects are for major improvements that typically include coordination with other local entities, such as the North Dakota Department of Transportation, West Fargo, Cass County, and the City of Moorhead. The Federal Aid we receive is programmed through Metro COG and is programmed out for four years. There are many different types of federal aid and they are as follows: Interstate Maintenance funds (for use on I-29 and I-94 mainline and service and system interchanges), Regional Highway Funds (for use on US 81 & US 10, which are 52<sup>nd</sup> Ave S, University Drive, 10<sup>th</sup> Street, 19<sup>th</sup> Ave N, and Main Ave), Urban Roads Funds (which can be spent on any road classified as an arterial or collector), Urban Grant Program (specifically for projects in the downtown) and Transportation Alternatives Program (which are funds set aside for shared use paths and pedestrian bridges).

### Proposed Projects

Project	Preliminary Estimated Costs				Funding		
	Construction	ROW, Easements, Utilities, Outside Engineering	Fees and Contingency	Total	Outside Funding Sources	Special Assessments	City Funds
University Dr N from 32 Ave N to 40 Ave N	\$7,001,722	\$741,791	\$1,120,276	\$8,863,789	\$4,500,000	\$4,363,789	\$0
64 Ave S from 38 St S to 33 St S*	\$14,777,636	\$6,444,445	\$2,364,422	\$23,586,503	\$11,376,719	\$9,963,483	\$2,246,301
<b>Total Federal Aid Projects =</b>	<b>\$21,779,358</b>	<b>\$7,186,236</b>	<b>\$3,484,697</b>	<b>\$32,450,291</b>	<b>\$15,876,719</b>	<b>\$14,327,272</b>	<b>\$2,246,301</b>

\*Costs are based on actual bid prices

## Water Main Replacement and/or Street Reconstruction Projects

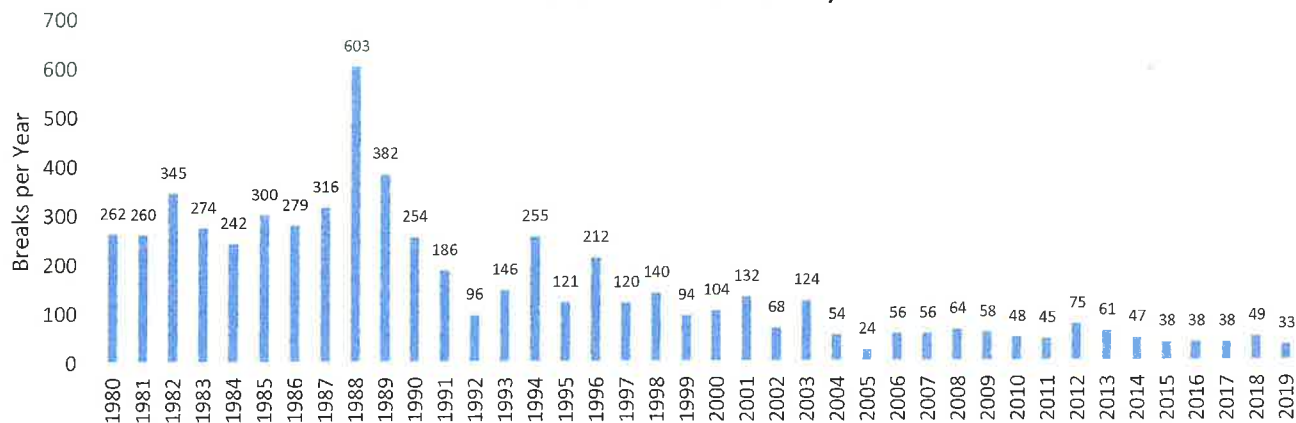
### Overview

The City of Fargo has over 500 miles of water main. Cast iron water main is typically the oldest and most susceptible to breakage. Asbestos cement water main is typically the next oldest and is most susceptible to breakage during dry conditions when the soil shrinks.

Water Main Material Type	Length (Miles)	Percentage Of Network
All Material Types	512.58	100.00%
Asbestos Cement	86.29	16.83%
Cast Iron	36.01	7.02%
Ductile Iron	25.40	4.96%
PVC	364.89	71.19%

Water main replacement/street reconstruction projects must meet two conditions: pavement condition that is so poor that pavement preservation is no longer cost effective and history of a high number of water main breaks. The proposed water main replacement and street reconstruction projects meet both of those conditions. Each of the proposed projects have had multiple water main breaks since 2010.

### Water Main Break History





**Proposed Projects**

The proposed water main replacement and/or street reconstruction projects for 2021 will replace a total of approximately 6,415 feet (1.21 miles) of cast iron and asbestos cement water main. Life expectancy of water main varies from material to material, but it is generally estimated to have a life expectancy of 100 years. Based on that life expectancy, our goal should be to replace approximately 1% of our water main network each year.

While the amount of water main being replaced in 2021 is less than our goal, we do not feel there is need to 'sound the alarm' as the amount of water main that is replaced will inevitably vary from year to year. Arguably, the best way to measure the long-term trends in overall water main condition is through the continued tracking of annual breaks.

Project	Preliminary Estimated Costs				Funding			
	Construction	ROW, Easements, Utilities, Outside Engineering	Fees and Contingency	Total	Outside Funding Sources	Special Assessments	Prairie Dog Funds	City Funds
7 Ave N from University Dr to Broadway	\$4,300,000	\$0	\$1,118,000	\$5,418,000	\$0	\$1,648,895	\$1,366,000	\$2,403,105
21 Ave S from Gold Dr to 15 St S	\$2,700,000	\$0	\$702,000	\$3,402,000	\$0	\$684,278	\$816,480	\$1,901,242
11 St S from NP Ave to 1 St N	\$1,050,000	\$0	\$273,000	\$1,323,000	\$0	\$368,598	\$317,500	\$636,882
<b>Total Water Main Replacement and/or Street Recon Projects =</b>	<b>\$8,050,000</b>	<b>\$0</b>	<b>\$2,093,000</b>	<b>\$10,143,000</b>	<b>\$0</b>	<b>\$2,701,771</b>	<b>\$2,500,000</b>	<b>\$4,941,229</b>

## Flood Control Projects

### Overview

Flood control projects are part of the overall FM Diversion Project and include projects east of I-29 along the Legal Drain systems and along the Red River of the North. The proposed flood control projects also include the acquisition of properties that will need to be moved or demolished for the construction of flood control projects.

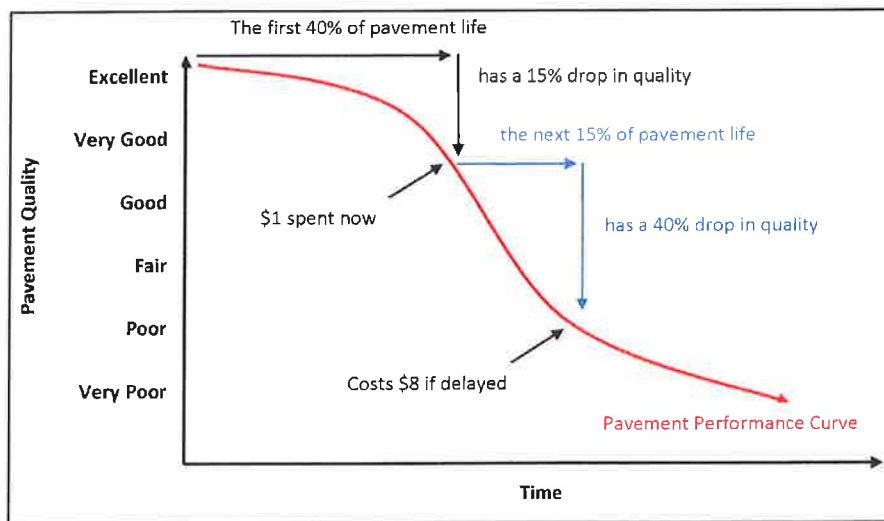
### Proposed Projects

Project	Preliminary Estimated Costs				Funding		
	Construction	ROW, Easements, Utilities, Outside Engineering	Fees and Contingency	Total	Outside Funding Sources	Flood Sales Tax	Special Assessments
Belmont Addition – WTP Intake (Local Share for Flood Protection Only)	\$1,050,000	\$150,000	\$105,000	\$1,305,000	\$0	\$1,305,000	\$0
Riverwood	\$3,271,000	\$5,150,000	\$327,100	\$8,748,100	\$0	\$8,748,100	\$0
Royal Oaks	\$1,770,000	\$4,221,639	\$177,000	\$6,168,639	\$0	\$6,168,639	\$0
Elm Circle	\$1,200,000	\$1,229,034	\$120,000	\$2,549,034	\$0	\$2,549,034	\$0
Oak Grove	\$9,000,000	\$1,440,000	\$900,000	\$11,340,000	\$0	\$11,340,000	\$0
South University Rip Rap	\$1,250,000	\$125,000	\$125,000	\$1,500,000	\$0	\$1,500,000	\$0
Demolition – Flood Buyouts	\$60,000	\$0	\$12,000	\$72,000	\$0	\$72,000	\$0
<b>Total Flood Control Projects =</b>	<b>\$17,601,000</b>	<b>\$12,315,673</b>	<b>\$1,766,100</b>	<b>\$31,682,773</b>	<b>\$0</b>	<b>\$31,682,773</b>	<b>\$0</b>

## Pavement Preservation Projects

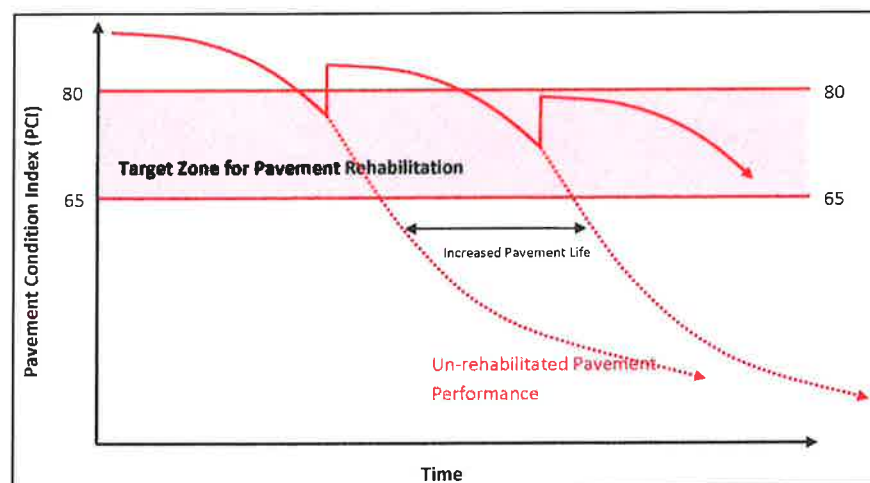
### Overview

Pavement preservation projects are arguably the most important projects in our annual CIP. Pavement preservation is a proactive approach that implements a series of low-cost, preventative maintenance treatments that are aimed at preserving the investment of our roadway network, extending the pavement life, and meeting our citizens' needs. No pavement will last forever, but with timely applications of these projects, we can extend the pavement life resulting in cost savings.



**A \$1 investment after 40% lifespan is much more effective than deferring maintenance until heavier overlays or reconstruction is required just a few years later.**

**Pavement life can be extended through the application of timely rehabilitation activities.**





## Pavement Network Overview

The two tables below summarize the size, surface type, and classification of the various roadways throughout the City of Fargo.

	Surface Type	Total Network	Arterial (31.64%)	Collector (14.36%)	Local (51.55%)	Alley (2.46%)
Area of Pavement (Square Yards)	All Streets	9,817,167	3,106,031	1,409,317	5,060,397	241,422
	Asphalt (54.77%)	5,376,554	448,369	794,654	3,978,897	154,633
	Composite (4.20%)	412,136	191,848	44,297	173,064	2,926
	Concrete (41.04%)	4,028,478	2,465,814	570,366	908,435	83,863

	Surface Type	Total Network	Arterial (31.64%)	Collector (14.36%)	Local (51.55%)	Alley (2.46%)
Length of Pavement (Lane Miles)	All Streets	1,394.48	441.20	200.19	718.81	34.29
	Asphalt (54.77%)	763.72	63.69	112.88	565.18	21.96
	Composite (4.20%)	58.54	27.25	6.29	24.58	0.42
	Concrete (41.04%)	572.23	350.26	81.02	129.04	11.91

The three tables below summarize the pavement condition rating and describe what that rating means for the various roadways throughout the City of Fargo. It is worth mentioning that we used slightly different PCI ranges and descriptions this year to summarize our pavement network. These changes were made in an effort to provide better descriptions that anyone reading this report will be able to understand.

	Surface Type	Total Network	Arterial	Collector	Local	Alley
Pavement Condition Index	All Streets	82.48	88.81	81.68	79.88	60.35
	Asphalt	78.77	73.14	76.58	81.12	46.02
	Composite	57.04	64.08	35.52	55.26	26.79
	Concrete	90.04	93.58	92.37	79.13	87.94

	Surface Type	Total Network	Arterial	Collector	Local	Alley
Pavement Condition Description	All Streets	Excellent	Excellent	Excellent	Good	Good
	Asphalt	Good	Good	Good	Excellent	Fair
	Composite	Fair	Good	Poor	Fair	Poor
	Concrete	Excellent	Excellent	Excellent	Good	Excellent

PCI Range	Description	Relative Remaining Life without Pavement Preservation Projects	Description of Condition
80 – 100	Excellent	15 to 25 Years	Like new to fairly new condition. Pavement is very smooth and has minimal deficiencies that impact ride quality. Little to no maintenance is required when the pavement is new. Patching, crack sealing, and surface treatments like seal coats are likely pavement preservation options for this PCI range.
60 – 80	Good	10 to 15 Years	Pavement is fairly smooth, but has some bumps and depressions that cause occasional roughness. Patching, crack sealing, and possible heavier surface treatments like thin overlays and local panel replacements are all viable pavement preservation options for this PCI range.
40 – 60	Fair	7 to 12 Years	Pavement is becoming uncomfortable to drive at times due to more frequent bumps and depressions. Progressively thicker overlays with localized repairs and moderate to extensive panel replacements are likely pavement preservation options for this PCI range.
20 – 40	Poor	5 to 10 Years	Pavement is uncomfortable to drive due to frequent bumps and depressions. Very thick overlays or surface replacement along with locations large areas of base reconstruction and subgrade stabilization will be necessary for pavements in this PCI range.
0 – 20	Very Poor	0 to 5 Years	Pavement is very uncomfortable to drive due to nearly constant bumps and depressions. Pavement preservation techniques are no longer feasible and full reconstruction is necessary.

### Repair and Rehabilitation Projects Overview

Repair and rehabilitation projects include asphalt crack seal and concrete spot repairs. The annual crack seal project is typically located in the same areas as the seal coat project and aids in preserving and extending the life of the asphalt roadway. The citywide concrete spot repair project repairs relatively small concrete issues that arise throughout the city each year.

### Seal Coat Projects Overview

Seal coat projects take place throughout the city and are a way to extend the life of asphalt pavement. As the name implies, they are utilized to seal the pavement and help keep water from penetrating the road structure. They also prevent deterioration of the asphalt surface from the effects of aging and oxidation due to water and the sun. Many state DOTs have studied the benefits of seal coats and have found that seal coats are most effective when placed within one or two years after the surface layer (asphalt wear course) is placed. After two years, the pavement has already been damaged from the effects of the sun and will no longer benefit from a seal coat. Studies also recommend a seal coat be reapplied approximately every eight years.

Based on that research, seal coats are installed on new wear course projects no later than two years after installation and are funded 100% by special assessments. Seal coats are installed on mill and overlay projects no later than two years after installation and are funded 100% by city funds. Subsequent seal coats are installed every eight years and are funded 100% by city funds.

**Mill and Overlay Projects Overview**

The anticipated frequency of asphalt mill and overlay projects can vary widely depending on a number of factors, such as pavement subgrade and drainage, traffic volumes, weight of vehicle traffic, and initial quality of asphalt pavement, but is typically once every 25 years. Mill and overlay projects are performed on arterial, collector, and local roadways and they are utilized to extend the life of the asphalt pavement and improve the ride quality. As part of these projects, drainage issues are corrected and sidewalk curb ramps that do not meet Federal ADA requirements are replaced. Mill and Overlay projects are funded equally with special assessments and city funds.

**Street Reconstruction Projects Overview**

The City of Fargo uses the above-mentioned methods to preserve pavement quality as long as practical, but unfortunately not all pavement can be preserved or rehabilitated. Sometimes pavement deterioration happens so quickly and is so severe that there are no viable options other than replacement. Street reconstruction projects are for those roadways that have reached the end of their useful life, but do not require replacement of underground utilities like sanitary sewer mains or water mains. There are no street reconstruction only projects in the 2021 CIP.

**Proposed Projects**

Project	Preliminary Estimated Costs			Funding		
	Construction	Fees and Contingency	Total	Special Assessments	Prairie Dog	City Funds
Asphalt Crack Seal - Various Locations City Wide	\$78,750	\$20,475	\$99,225	\$0	\$0	\$99,225
Seal Coat - Various Locations City Wide	\$1,00,000	\$260,000	\$1,260,000	\$189,000	\$0	\$1,071,000
Mill and Overlay- Various Locations City Wide	\$2,450,000	\$637,000	\$3,087,000	\$1,543,500	\$0	\$1,543,500
Concrete Spot Repairs - Various Locations City Wide	\$550,000	\$143,000	\$693,000	\$0	\$0	\$693,000
Concrete Rehab - 13 Ave S	\$1,000,000	\$260,000	\$1,260,000	\$630,000	\$0	\$630,000
<b>Total Pavement Preservation Projects =</b>	<b>\$5,078,750</b>	<b>\$1,320,475</b>	<b>\$6,399,225</b>	<b>\$2,362,500</b>	<b>\$0</b>	<b>\$4,036,725</b>



## Storm Sewer Utility Projects

### Overview

The storm sewer utility was created in 1998 and a designated fee was implemented for the maintenance and repair of the city storm sewer infrastructure. In 2019, the storm sewer utility completed a financial modeling evaluation of the system needs versus the present budget and the flat rate fee structure was replaced by an overall impervious and lot area formula for non-residential parcels. The present value of the storm sewer utility infrastructure is in excess of \$215 million dollars and is comprised of more than 80 storm sewer lift stations and nearly 500 miles of various sized collection piping along with several ponds.

The projects selected for the 2021 Capital Improvement Plan have been identified by storm sewer pipe televising, annual inspections and cleaning operations of lift stations and river/drainage outfalls, identified failure and recurring maintenance locations by the street department, and the 2011 lift station evaluation report.

### Proposed Projects

Project	Preliminary Estimated Costs				Funding	
	Construction	ROW, Easements, Utilities, Outside Engineering	Fees and Contingency	Total	Special Assessments	City Funds
Storm Drainage Improvements	\$275,000	\$0	\$71,500	\$346,500	\$0	\$346,500
Storm Sewer Outfall Repairs	\$150,000	\$0	\$39,000	\$189,000	\$0	\$189,000
Storm Sewer Area Repairs	\$100,000	\$0	\$26,000	\$126,000	\$0	\$126,000
Lift Station Repairs - Citywide (LS #8, #10, #49)	\$750,000	\$0	\$195,000	\$945,000	\$472,500	\$472,500
<b>Total Storm Sewer Utility Projects =</b>	<b>\$1,275,000</b>	<b>\$0</b>	<b>\$331,500</b>	<b>\$1,606,500</b>	<b>\$472,500</b>	<b>\$1,134,000</b>

## Traffic and Streetlight Projects

### Overview

Traffic and street light projects improve the safety and efficiency of traffic operations by providing for the initial installation, maintenance, and improvements of street lights, traffic signals, communication cable, intelligent transportation systems, and pavement markings.

### Proposed Projects

Project	Preliminary Estimated Costs				Funding	
	Construction	ROW, Easements, Utilities, Outside Engineering	Fees and Contingency	Total	Special Assessments	City Funds
Railroad Quiet Zone – 7 Ave N and 16 Ave N	\$1,000,000	\$0	\$260,000	\$1,260,000	\$1,260,000	\$0
Street Light Rehab – Citywide	\$262,500	\$0	\$68,250	\$330,750	\$0	\$330,750
New Street Lighting – Broadway to Elm, 27 Ave N to 29 Ave N	\$750,000	\$0	\$195,000	\$945,000	\$945,000	\$0
New Street Lighting – 40 Ave N from I-29 to University Dr N	\$350,000	\$0	\$91,000	\$441,000	\$441,000	\$0
Pavement Marking Replacement	\$200,000	\$0	\$52,000	\$252,000	\$0	\$252,000
Traffic Signal Maintenance – LED Replacement	\$150,000	\$0	\$39,000	\$189,000	\$0	\$189,000
<b>Total Traffic and Streetlight Projects =</b>	<b>\$2,712,500</b>	<b>\$0</b>	<b>\$705,250</b>	<b>\$3,417,750</b>	<b>\$2,646,000</b>	<b>\$771,750</b>

## New Development Projects

### Overview

The number and scope of new development projects can vary widely from year to year as they are driven by developer's requests. For 2021, we have either received or are likely to receive the projects listed in the table below.

Wear course projects are also part of new development projects. Wear course projects include drainage correction and the placement of the final surface layer of asphalt in new developments. These projects take place anywhere from just a couple of years to as many as 15 years after the initial construction of a new development. Wear course projects are not typically constructed until nearly all of the building construction in a new development is complete. This allows private contractors time to construct buildings without fear of damaging the final surface of asphalt. It also allows settlement to occur, which is corrected during the wear course project.

### Proposed Projects

Project	Preliminary Estimated Costs				Funding		
	Construction	ROW, Easements, Utilities, Outside Engineering	Fees and Contingency	Total	Special Assessments	Developer	City Funds
Laverne's Addition*	\$1,971,919	\$0	\$512,699	\$2,484,618	\$2,484,618	\$0	\$0
Madelyn's Meadows	\$2,000,000	\$0	\$520,000	\$2,520,000	\$2,520,000	\$0	\$0
Eagle Valley (Developer to pay LOMR portion)	\$1,500,000	\$0	\$368,000	\$1,868,000	\$1,764,000	\$104,000	\$0
Valley View Estates	\$1,000,000	\$0	\$260,000	\$1,260,000	\$1,260,000	\$0	\$0
Bison Meadows (Developer to pay LOMR portion)	\$1,000,000	\$0	\$216,000	\$1,216,000	\$1,008,000	\$208,000	\$0
Golden Valley	\$2,000,000	\$0	\$520,000	\$2,520,000	\$2,520,000	\$0	\$0
Amber Valley Parkway S – East of 45 St S	\$1,000,000	\$0	\$260,000	\$1,260,000	\$1,260,000	\$0	\$0
Southwest Metro Stormwater Pond	\$6,800,000	\$5,045,406	\$1,243,000	\$13,088,406	\$13,088,406	\$0	\$0
40 Ave N Turn Lanes	\$500,000	\$0	\$130,000	\$630,000	\$630,000	\$0	\$0
Wear Course Project	\$1,200,000	\$0	\$312,000	\$1,512,000	\$1,512,000	\$0	\$0
45 St S and 64 Ave S Underground Utilities	\$4,500,000	\$0	\$1,170,000	\$5,670,000	\$5,670,000	\$0	\$0
46 Ave N Storm Sewer, Water Main, and Gatewell	\$2,500,000	\$0	\$650,000	\$3,150,000	\$3,150,000	\$0	\$0
44 Ave N – Private Installation	\$1,000,000	\$0	\$40,000	\$1,040,000	\$0	\$1,040,000	\$0
<b>New Development Projects Total =</b>	<b>\$26,971,919</b>	<b>\$5,045,406</b>	<b>\$6,201,699</b>	<b>\$38,219,024</b>	<b>\$36,867,024</b>	<b>\$1,352,000</b>	<b>\$0</b>

\*Costs are based on Engineer Report



## Alley Paving Projects

### Alley Network Overview

Alley paving projects are at the request of property owners. There are typically an increase in requests in years where the condition of gravel alleys are difficult to maintain due to a lot of precipitation. As shown in the table below, most of the alleys in the City of Fargo are either gravel or asphalt. Most of the asphalt alleys were constructed in 1983 and were constructed with a thin asphalt pavement section. Many of these asphalt alleys have met, or will soon meet, the end of their useful life. All alleys that are constructed or reconstructed are done so with concrete pavement.

Alley Surface Type	Area (Square Yards)	Percentage by Area	Length (Centerline Miles)	Percentage by Length
All Surface Types	383,461	100.00%	29.19	100.00%
Asphalt	154,633	40.33%	10.19	34.92%
Brick	547	0.14%	0.06	0.21%
Composite	2,926	0.76%	0.20	0.69%
Gravel	141,493	36.90%	11.95	40.94%
Concrete	83,863	21.87%	6.78	23.24%

### Proposed Projects

Alley paving projects must be petitioned by at least 55 percent of the benefitting property owners to be included in the annual CIP. Typically, a property owner going door-to-door with a petition to get signatures from the benefitting property owners does this. Upon verification of signatures, the Engineering Department then moves forward with the design, creation, bidding, and construction of the petitioned alley project. All alley paving projects are 100% special assessed. The following projects have been petitioned.

Project	Preliminary Estimated Costs			Funding	
	Construction	Fees and Contingency	Total	Special Assessments	City Funds
Blk 35 & 36, Roberts 2nd Addn, 3 Ave N to 4 Ave N between 11 St N and 12 St N	\$70,000	\$18,200	\$88,200	\$88,200	\$0
West Alley from 1 Ave N to 2 Ave N between Roberts and Broadway	\$150,000	\$39,000	\$189,000	\$189,000	\$0
Nestor Alley between 11 St N and 10 St N; NP Ave N and 1 Ave N	\$100,000	\$26,000	\$126,000	\$126,000	\$0
Alley Paving – Location to be determined	\$100,000	\$26,000	\$126,000	\$126,000	\$0
<b>Alley Paving Projects Total =</b>	<b>\$420,000</b>	<b>\$109,200</b>	<b>\$529,200</b>	<b>\$529,200</b>	<b>\$0</b>

## Sidewalk Projects

### Overview

Sidewalk projects are included annually in the CIP to address areas of town where the property owner has not yet installed sidewalks and areas of town where tripping hazards or nonconforming conditions exist. The list of sidewalk locations to be improved is typically generated by citizen complaint. Upon notice from the city, property owners have the option to make the improvements by hiring and paying a licensed sidewalk contractor directly or property owners can elect to have the improvements included in the annual sidewalk project and be assessed.

### Proposed Projects

Project	Preliminary Estimated Costs			Funding	
	Construction	Fees and Contingency	Total	Special Assessments	City Funds
Sidewalks: New/Repl Sidewalks (including APPR)	\$420,000	\$109,200	\$529,200	\$264,600	\$264,600
<b>Total Sidewalk Projects =</b>	<b>\$420,000</b>	<b>\$109,200</b>	<b>\$529,200</b>	<b>\$264,600</b>	<b>\$264,600</b>

## Miscellaneous Projects

### Overview

Miscellaneous projects vary from year to year, but this year the only project planned is a pavement condition survey. The pavement condition survey will update our Pavement Condition Index for all roadway segments throughout the City of Fargo.

### Proposed Projects

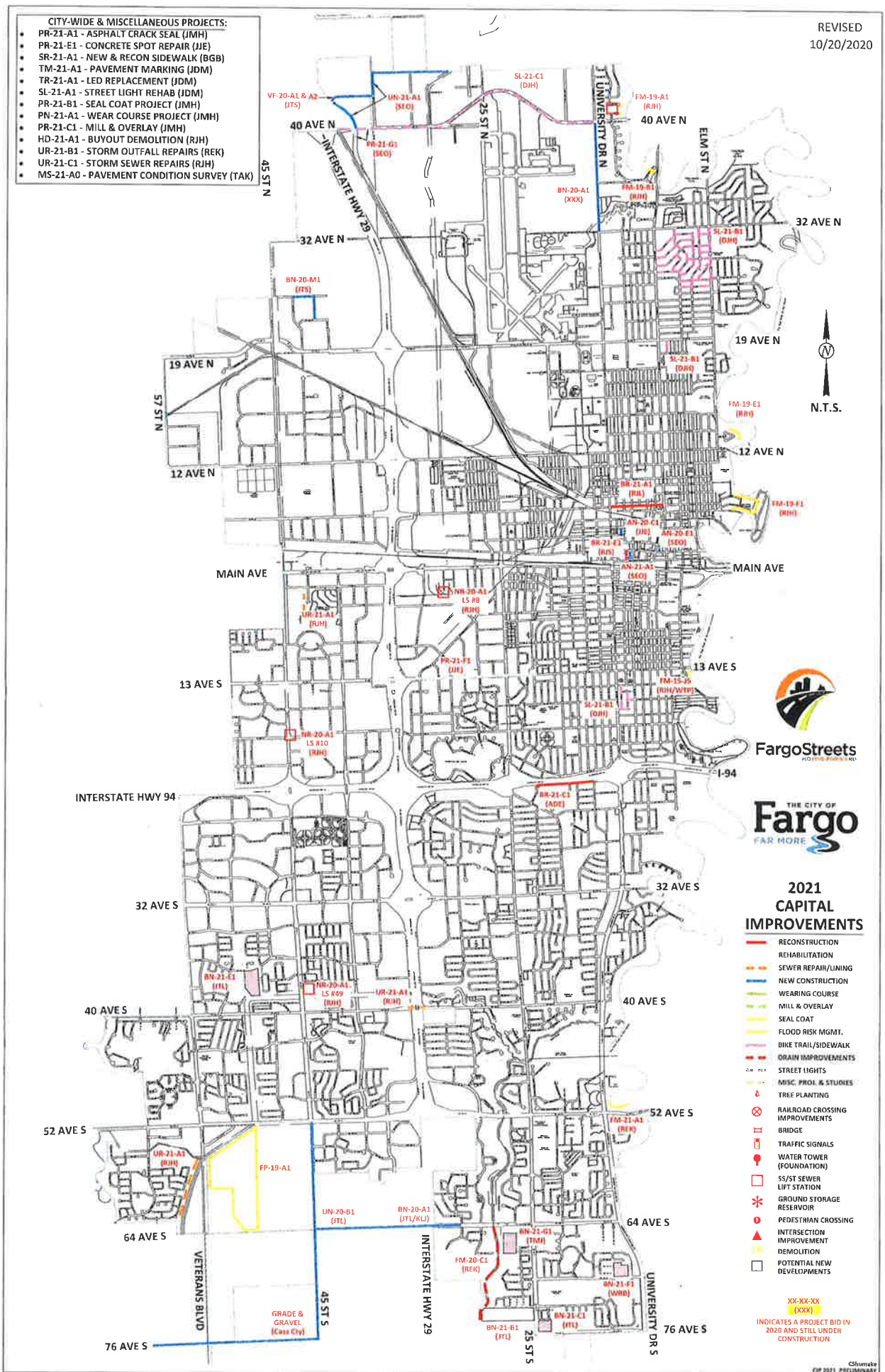
Project	Preliminary Estimated Costs				Funding	
	Construction	ROW, Easements, Utilities, Outside Engineering	Fees and Contingency	Total	Special Assessments	City Funds
Pavement Condition Survey	\$150,000	\$0	\$0	\$150,000	\$0	\$150,000
<b>Total Miscellaneous Projects =</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$150,000</b>



## 2021 Capital Improvements Map

- CITY-WIDE & MISCELLANEOUS PROJECTS:**
- PR-21-A1 - ASPHALT CRACK SEAL (JMH)
  - PR-21-E1 - CONCRETE SPOT REPAIR (JJE)
  - SR-21-A1 - NEW & RECON SIDEWALK (BGB)
  - TM-21-A1 - PAVEMENT MARKING (JDM)
  - TR-21-A1 - LED REPLACEMENT (JDM)
  - SL-21-A1 - STREET LIGHT REHAB (JDM)
  - PR-21-B1 - SEAL COAT PROJECT (JMH)
  - PN-21-A1 - WEAR COURSE PROJECT (JMH)
  - PR-21-C1 - MILL & OVERLAY (JMH)
  - HD-21-B1 - BUYOUT DEMOLITION (RJH)
  - UR-21-B1 - STORM OUTFALL REPAIRS (REK)
  - UR-21-C1 - STORM SEWER REPAIRS (RJH)
  - MS-21-A0 - PAVEMENT CONDITION SURVEY (TAK)

REVISED  
10/20/2020



## 2021 CAPITAL IMPROVEMENTS

- RECONSTRUCTION
- REHABILITATION
- SEWER REPAIR/UNING
- NEW CONSTRUCTION
- WEARING COURSE
- MILL & OVERLAY
- SEAL COAT
- FLOOD RISK MGMT.
- BIKE TRAIL/SIDEWALK
- DRAIN IMPROVEMENTS
- STREET LIGHTS
- MISC. PROJ. & STUDIES
- TREE PLANTING
- RAILROAD CROSSING IMPROVEMENTS
- BRIDGE
- TRAFFIC SIGNALS
- WATER TOWER (FOUNDATION)
- SS/ST SEWER LIFT STATION
- GROUND STORAGE RESERVOIR
- PEDESTRIAN CROSSING
- INTERSECTION IMPROVEMENT
- DEMOLITION
- POTENTIAL NEW DEVELOPMENTS

XX-XX-XX  
(XXX)  
INDICATES A PROJECT BID IN  
2020 AND STILL UNDER  
CONSTRUCTION

### 2010 to 2020 Water Main Break Map



# **WATERMAIN BREAKS 2010-2020**

UPDATED: 10/29/2020

• Watermain Breaks 2010 to 2020 (October 9)

## **Watermains by Material**

- ACP
- CIP
- Fargo City Limits
- Value
  - High
  - Low

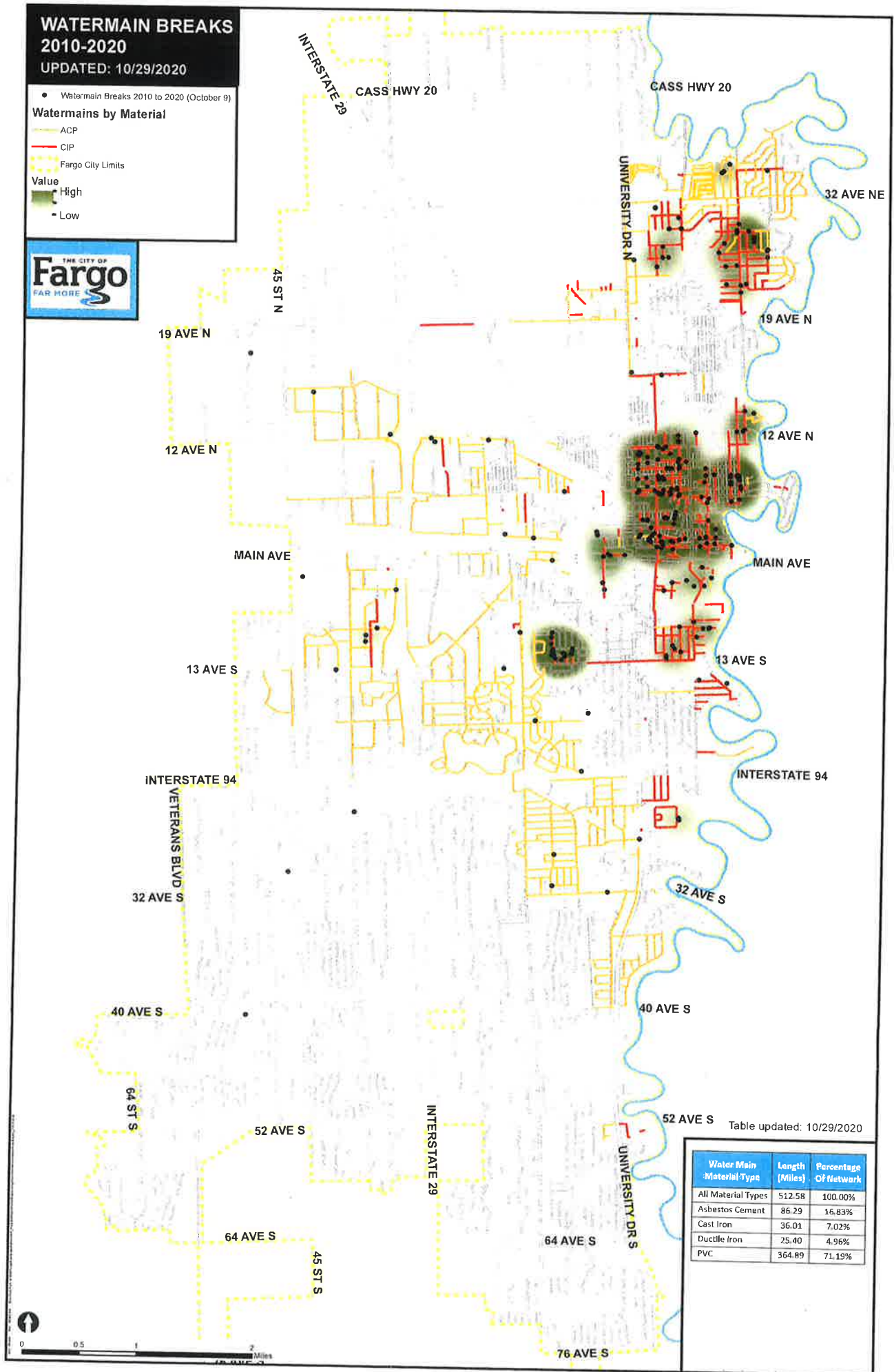


Table updated: 10/29/2020

Water Main Material Type	Length (Miles)	Percentage Of Network
All Material Types	512.58	100.00%
Asbestos Cement	86.29	16.83%
Cast Iron	36.01	7.02%
Ductile Iron	25.40	4.96%
PVC	364.89	71.19%

Break Year	Break Month	Address	Break Year	Break Month	Address	Break Year	Break Month	Address
2010	1	1200 1 AVE N	2013	10	102 3 ST N	2017	10	1101 21 ST S
2010	1	1022 2 AVE N	2013	10	3000 BROADWAY N	2017	11	307 8 ST N
2010	1	827 4 ST N	2013	10	724 1 ST N	2017	11	1111 8 AVE N
2010	2	1626 10 ST N	2013	11	825 21 AVE S	2017	11	2800 9 ST N
2010	3	747 OAK ST N	2013	11	500 1 AVE N	2017	11	1111 8 AVE N
2010	3	747 OAK ST N	2013	12	24 8 ST N	2017	11	1641 BROADWAY N
2010	3	500 6 AVE S	2013	12	900 4 AVE S	2017	11	900 NORTHERN PACIFIC AVE N
2010	3	1626 10 ST N	2014	1	816 8 AVE N	2017	11	3931 9 AVE S
2010	3	100 12 ST N	2014	1	1436 MAIN AVE	2017	12	801 6 AVE N
2010	3	1206 20 ST S	2014	1	901 8 AVE N	2017	12	1136 7 ST N
2010	3	1206 20 ST S	2014	1	820 9 AVE N	2017	12	1136 73 ST N
2010	3	1637 23 ST S	2014	1	1028 12 ST N	2018	1	20 8 AVE N
2010	4	1145 5 ST N	2014	2	100 21 ST S	2018	1	1202 7TH AVE N
2010	4	1201 21 ST S	2014	2	401 9 AVE S	2018	1	801 6 AVE N
2010	7	1146 OAK ST N	2014	2	1570 32 AVE S	2018	1	711 7 AVE N
2010	7	914 8 AVE N	2014	2	802 9 AVE N	2018	1	109 23 AVE N
2010	7	50 11 ST S	2014	2	1020 12 ST N	2018	2	619 OAK ST N
2010	7	1214 38 ST N	2014	2	37 7 ST N	2018	2	619 OAK ST N
2010	7	1214 38 ST N	2014	2	10 8 ST N	2018	2	910 12 ST N
2010	8	1200 1 AVE N	2014	2	1436 MAIN AVE	2018	2	1029 12 ST N
2010	8	1472 43 ST N	2014	3	2800 11 AVE N	2018	2	924 7 ST N
2011	1	700 9 AVE S	2014	3	77 29 AVE N	2018	3	2856 ELM ST N
2011	2	727 OAK ST N	2014	4	26 ROBERTS ST N	2018	3	604 10 AVE N
2011	2	457 OAKLAND AVE S	2014	4	1032 12 ST N	2018	3	3426 MAPLE ST N
2011	2	1013 21 ST S	2014	4	600 8 ST N	2018	4	604 10 AVE N
2011	3	600 8 ST N	2014	5	8720 10 ST N	2018	4	1505 UNIVERSITY DR N
2011	3	11 15 ST S	2014	5	1436 MAIN AVE	2018	5	523 4 ST N
2011	4	800 5 ST S	2014	5	92 NORTHERN PACIFIC AVE N	2018	5	1024 12 ST N
2011	5	3800 4 AVE S	2014	5	400 7 ST N	2018	6	1905 12 AVE S
2011	6	901 6 AVE N	2014	6	1109 18 ST S	2018	6	1905 12 AVE S
2011	8	2509 EAST COUNTRY CLUB DR S	2014	6	1105 21 ST S	2018	6	830 11 AVE N
2011	8	1902 12 AVE S	2014	6	10 8 ST N	2018	7	1195 35 ST N
2011	8	121 11 ST S	2014	7	708 11 ST N	2018	7	24 8 ST N
2011	8	2300 ELM ST N	2014	7	1330 MAIN AVE	2018	7	11 11 ST N
2011	8	2830 2 ST N	2014	9	27 11 ST N	2018	7	24 8 ST N
2011	8	300 7 ST N	2014	10	921 11 AVE N	2018	7	11 11 ST N
2011	9	300 7 ST N	2014	10	512 OAK ST N	2018	7	701 OAK ST N
2011	10	700 19 ST N	2014	12	400 1 AVE N	2018	7	619 OAK ST N
2011	10	1000 NORTHERN PACIFIC AVE N	2014	12	743 OAK ST N	2018	7	24 8TH ST N
2011	10	1019 1 AVE N	2015	1	426 10 AVE S	2018	7	1001 1 AVE N
2011	10	925 11 AVE N	2015	1	500 NORTHERN PACIFIC AVE N	2018	8	1202 7 AVE N
2011	10	2000 9 ST S	2015	2	815 11 AVE N	2018	8	37 7 ST N
2011	11	2509 EAST COUNTRY CLUB DR S	2015	2	510 0 ST N	2018	8	2591 VILLA DRIVE SO
2011	11	409 1 AVE N	2015	2	419 3 ST N	2018	8	914 8 AVE N
2011	11	602 21 AVE S	2015	2	109 26 AVE N	2018	8	917 8 AVE N
2011	11	900 26 AVE S	2015	2	810 1 AVE N	2018	8	914 8 AVE N
2011	11	320 7 ST N	2015	2	1200 ELM ST N	2018	10	619 OAK ST N
2011	11	2829 9 ST N	2015	3	630 1 AVE N	2018	11	11 8 ST N
2011	11	200 45 ST S	2015	3	27 11 ST N	2018	11	1202 7 AVE N
2011	12	600 6 AVE S	2015	3	27 11 ST N	2018	11	24 8 ST N
2011	12	800 28 AVE N	2015	4	1200 ELM ST N	2018	11	117 35 AVE N
2011	12	800 4 ST N	2015	4	1200 ELM ST N	2018	11	1202 21 ST S
2011	12	1222 9 ST S	2015	5	800 OAK ST N	2018	11	1430 MAIN AVE
2012	1	801 3 ST N	2015	7	900 15 AVE N	2018	12	3030 BROADWAY N
2012	2	216 7 ST N	2015	7	123 15 1/2 ST N	2018	12	4637 16 AVE N
2012	3	1458 SOUTH RIVER RD S	2015	7	710 7 AVE N	2018	12	1146 ELM ST N
2012	3	300 7 ST N	2015	7	909 6 AVE N	2018	12	1138 28 ST N
2012	3	1024 40 ST S	2015	8	1200 7 AVE N	2019	1	722 7 ST N
2012	7	700 6 AVE N	2015	9	2800 BRANOT DR S	2019	2	619 OAK ST N
2012	7	1116 8 ST S	2015	9	917 6 AVE N	2019	2	619 OAK ST N
2012	7	736 9 ST N	2015	9	917 6 AVE N	2019	2	619 OAK ST N
2012	7	1206 9 ST S	2015	9	3000 7 ST N	2019	2	10 7 AVE N
2012	7	1013 11 ST N	2015	9	40 11 ST N	2019	2	106 23 AVE N
2012	7	1100 18 ST S	2015	10	1905 12 AVE S	2019	2	2620 SOUTHGATE DR
2012	7	1100 18 ST S	2015	10	1105 21 ST S	2019	2	901 7 AVE N
2012	8	930 40 ST S	2015	10	700 12 AVE S	2019	3	1105 7 AVE N
2012	8	1000 8 ST N	2015	10	1200 7 AVE N	2019	3	71 28 AVE N
2012	8	1000 8 ST N	2015	11	401 NORTHERN PACIFIC AVE N	2019	3	20 8 AVE N
2012	8	602 7 ST N	2015	12	301 15 ST S	2019	3	1010 7 AVE N
2012	8	1105 21 ST S	2016	1	2302 EVERGREEN RD	2019	3	1005 21 ST S
2012	8	2700 MAPLE ST N	2016	2	917 21 ST S	2019	3	721 11 ST N
2012	8	2800 MAPLE ST N	2016	3	301 NORTHERN PACIFIC AVE N	2019	3	730 11 ST N
2012	9	2800 2 ST N	2016	3	723 NORTHERN PACIFIC AVE N	2019	3	10 1 ST N
2012	9	746 1 ST N	2016	5	419 3 ST N	2019	3	2015 3 AVE N
2012	9	1385 ELM CIR N	2016	5	419 3 ST N	2019	3	117 14 ST N
2012	9	3500 2 ST N	2016	5	2701 1 AVE N	2019	3	2814 9 1/2 ST N
2012	9	1901 12 AVE S	2016	5	1105 21 ST S	2019	4	321 8 AVE N
2012	9	911 6 AVE N	2016	7	1905 12 AVE S	2019	6	102 3 ST N
2012	9	3525 1 ST N	2016	7	308 1 AVE N	2019	6	902 40 ST S
2012	9	2825 LONGFELLOW RD N	2016	7	308 1 AVE N	2019	6	1146 ELM ST N
2012	9	2837 LONGFELLOW RD N	2016	7	414 MILLS AVE N	2019	7	921 6 AVE N
2012	9	2843 LONGFELLOW RD N	2016	7	312 9 ST N	2019	7	721 11 ST N
2012	9	2843 LONGFELLOW RD N	2016	7	1116 8 ST S	2019	7	702 12 ST N
2012	9	ELM ST N & CEDAR AVE N	2016	8	364 9 AVE S	2019	7	677 43 ST N
2012	9	21 29 AVE NE	2016	8	79 28 AVE NE	2019	9	777 34 ST S
2012	10	2710 22 ST S	2016	8	917 21 ST S	2019	10	1122 8 ST S
2012	11	2116 31 AVE S	2016	8	123 15 1/2 ST N	2020	6	1017 21 ST S
2012	11	1118 18 ST S	2016	9	419 3 ST N	2020	7	902 40 ST S
2012	11	909 6 AVE N	2016	9	311 8 ST N	2020	7	901 21 ST S
2012	11	24 8 ST N	2016	10	523 4 ST N	2020	7	2849 ELM ST N
2012	11	909 6 AVE N	2016	10	353 9 AVE S	2020	7	3029 9 ST N
2013	1	1300 27 ST S	2016	11	3145 9 1/2 ST N	2020	7	825 7 AVE N
2013	1	77 26 AVE N	2016	11	1010 7 AVE N	2020	7	2510 9 1/2 ST N
2013	1	900 8 AVE N	2016	12	3501 12 AVE N	2020	7	1024 40 ST S
2013	1	2200 ELM ST N	2017	1	803 7 AVE N	2020	8	1458 SOUTH RIVER RD S
2013	2	2300 1 AVE S	2017	1	1625 16 1/2 ST S	2020	8	2727 13 AVE S
2013	2	900 7 AVE N	2017	1	419 3 ST N			
2013	2	2800 2 ST N	2017	2	801 8 ST S			
2013	2	1202 8 AVE N	2017	2	710 9 AVE N			
2013	2	2300 42 ST S	2017	2	803 1 ST N			
2013	3	3500 2 ST N	2017	3	77 11 ST N			
2013	3	2500 9 AVE S	2017	4	1111 8 AVE N			
2013	3	400 5 AVE S	2017	5	321 9 ST N			
2013	4	409 1 AVE N	2017	6	5050 40 AVE S			
2013	4	400 15 ST S	2017	6	321 9 ST N			
2013	4	1106 18 ST S	2017	6	522 BROADWAY N			
2013	4	711 UNIVERSITY DR S	2017	6	924 7 ST N			
2013	4	1032 12 ST N	2017	7	1002 7 ST N			
2013	5	2606 9 1/2 ST N	2017	7	1128 7 ST N			
2013	5	923 11 ST N	2017	7	309 4 ST N			
2013	5	800 9 AVE N	2017	7	2802 9 ST N			
2013	6	700 9 AVE N	2017	8	1202 21 ST S			
2013	6	716 1 ST N	2017	8	1301 ELM ST N			
2013	6	100 8 AVE N	2017	9	1221 9 AVE N			
2013	9	1700 20 AVE S	2017	9				
2013	9	4300 13 AVE S	2017	10				

Updated October 2020

2021 – 2024 Capital Improvements Map

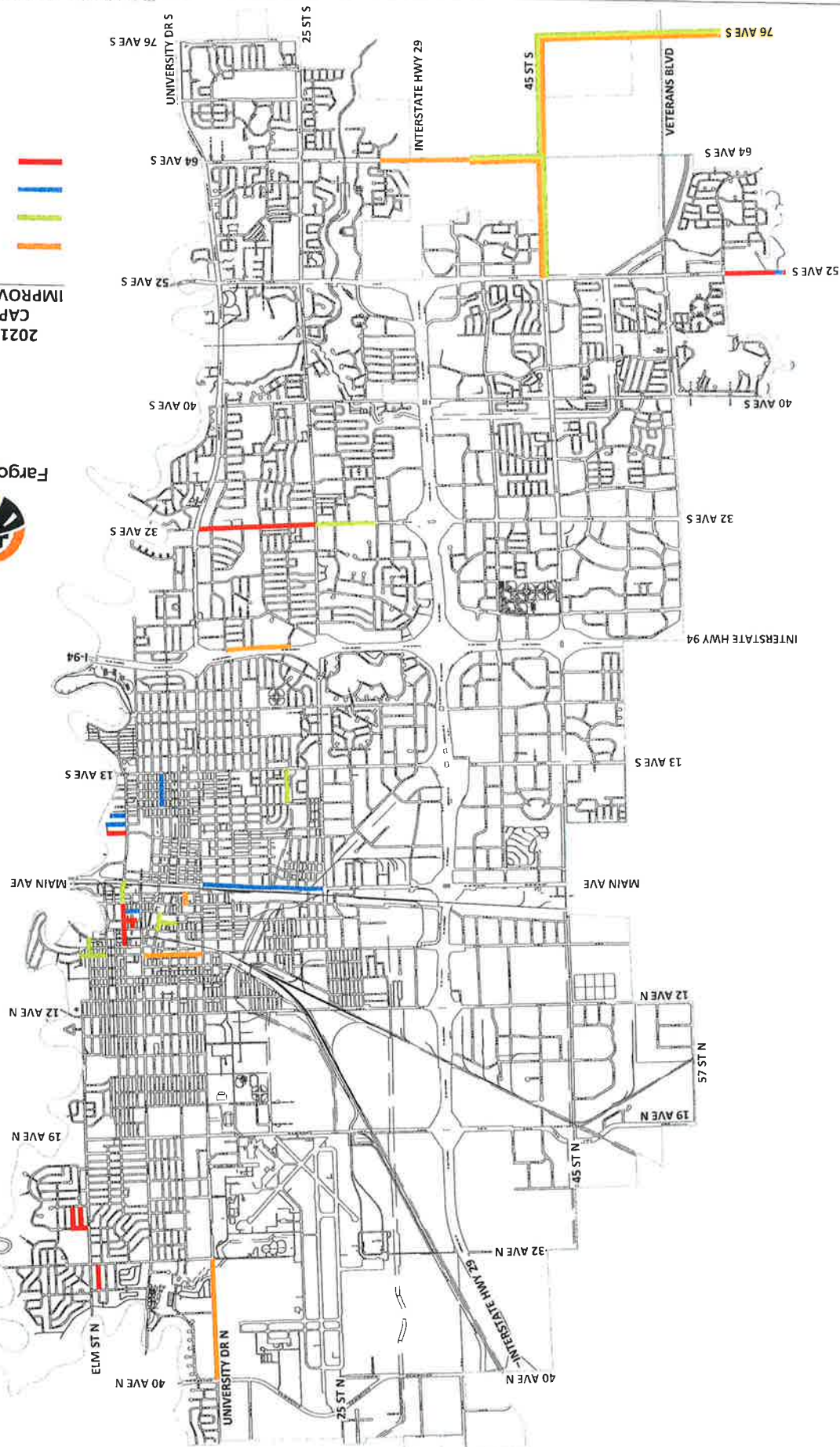


Summary of proposed detailed projects by year:

2022	<b>Federal Aid Projects</b>
	32 Ave S from 32 St S to 22 St S
	<b>Water Main Replacement and/or Street Reconstruction Projects</b>
	21 St S from 13 Ave S to 9 Ave S
	7 Ave N from 2 St N to Elm St; Oak St from 7 Ave to BNSF RR
	3 Ave N from 10 St N to 7 St N; 7 St N from 2 Ave N to 4 Ave N
2023	4 St N from Main Ave to 1 Ave N
	<b>Federal Aid Projects</b>
	52nd Ave S from 63 St S to Sheyenne
	Main Ave from 25 St to University Dr
	<b>Water Main Replacement and/or Street Reconstruction Projects</b>
	8 St S from 9 Ave S to 13 Ave S
2024	7 Ave S from 4 St to East; 8 Ave S from 4 St to East
	2 Ave N from Broadway to 4 St N
	<b>Federal Aid Projects</b>
	52 <sup>nd</sup> Avenue South and Sheyenne River Bridge
	<b>Water Main Replacement and/or Street Reconstruction Projects</b>
	1 St N from 32 Ave N to 35 Ave N
	Evergreen Rd N and Longfellow Rd N from 28 Ave N to 29 Ave N; 29 Ave N from Elm to Longfellow
	3 Ave N from Broadway Alley to 4 St N; 5 St N from 3 Ave N to 4 Ave N
	6 Ave S from 4 St to East; 9 Ave S from 4 St to East
	4 St N from 1 Ave N to 6 Ave N

2021-2024  
CAPITAL  
IMPROVEMENTS

- 2024
- 2023
- 2022
- 2021





November 19, 2020

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 46 Fremont Dr S s as submitted by Steven & Jan Visby. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$135 with the City of Fargo's share being \$25.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski  
City Assessor

bsb  
attachment



**Application For Property Tax Exemption For Improvements  
To Commercial And Residential Buildings**  
North Dakota Century Code ch. 57-02.2  
(File with the local city or township assessor)

**Property Identification**

1. Name of Property Owner	Steven & Jan Visby		Phone No.	(701) 351-2675
2. Address of Property	46 Fremont Dr S			
City	FARGO	State	ND	Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	Lt 15 Blk 14 Bluemont Lakes 6th			
4. Parcel Number	01-0175-02940-000	Residential <input checked="" type="checkbox"/>	Commercial <input type="checkbox"/>	Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	blueskyrealestate@gondtc.com			
City		State		Zip Code

**Description Of Improvements For Exemption**

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	Reside dwelling
7. Building Permit No.	20090686
8. Year Built	1981
9. Date of Commencement of making the improvement	September 12 <sup>th</sup> 2020
10. Estimated market value of property before improvement	\$ 166,400
11. Cost of making the improvement (all labor, material and overhead)	\$ 16,000
12. Estimated market value of property after improvement	\$ 176,700

**Applicant's Certification and Signature**

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature	Jan C. Visby
Date	11/19/2020

**Assessor's Determination**

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):	3 Years For Qualifying Work
Assessor's Signature	Wade J. Jankowski
Date	11/20/2020

**Action of Governing Body**

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions:
Chairman of Governing Body
Date

**Submit Via Email**



366

November 20, 2020

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1625 16 ½ St S as submitted by Jenna R Gage. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$235 with the City of Fargo's share being \$40.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski  
City Assessor

bsb  
attachment

**Application For Property Tax Exemption For Improvements  
To Commercial And Residential Buildings**  
North Dakota Century Code ch. 57-02.2  
(File with the local city or township assessor)

**Property Identification**

1. Name of Property Owner	Jenna Gage Reno		Phone No.	701-866-2533
2. Address of Property	1625 16 1/2 St S			
City	FARGO	State	ND	Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	Lot S 25 FT OF 7 & ALL OF 8 Block 22 Supplemental Description N/A Addition Name Morton & Dotys			
4. Parcel Number	01-2040-04980-000	Residential <input checked="" type="checkbox"/>	Commercial <input type="checkbox"/>	Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	1625 16 1/2 St S			
City	Fargo	State	ND	Zip Code 58103

**Description Of Improvements For Exemption**

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	added a new detached garage and redid the whole driveway to tie in new garage	
7. Building Permit No.	1909-0478	8. Year Built 1962
9. Date of Commencement of making the improvement	October 2020	
10. Estimated market value of property before improvement	\$	206,200
11. Cost of making the improvement (all labor, material and overhead)	\$	42,000
12. Estimated market value of property after improvement	\$	232,000

**Applicant's Certification and Signature**

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	Digitally signed by Jenna Reno Date: 2020.10.08 13:57:09 -05'00'	Date	10/8/2020
Applicant's Signature	Jenna Reno		

**Assessor's Determination**

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):	5 Years For Qualifying Work	
Assessor's Signature	Date 11-20-2020	

**Action of Governing Body**

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions:
Chairman of Governing Body _____ Date _____

**Submit Via Email**