

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at 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.; and are also included in our video archive at FargoND.gov/citycommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, September 11, 2017).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 9/11/17:
 - a. Amending Section 25-1509, of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.
 - b. Rezoning Certain Parcels of Land Lying in Silverleaf Third Addition.
 - c. Rezoning Certain Parcels of Land Lying in BNG Addition.
2. Receive and file Summons in the matter of Deutsche Bank and Trust Company Americas as Indenture Trustee for the registered holders of Saxon Asset Securities Trust 2005-3 Mortgage Loan Asset Backed Notes, Series 2005-3 v. City of Fargo, Terrie L. and Virgil J. Grenz and Does 1-10.
3. Receive and file General Fund – Budget to Actual through August 31, 2017 (unaudited).
4. Site authorization for Northern Prairie Performing Arts at Space Aliens – Fargo.
5. Applications for Games of Chance:
 - a. CCRI, Inc. for a raffle on 11/21/17; Public Spirited Resolution.
 - b. NDSU Foundation and Alumni Association for a raffle on 9/30/17.
 - c. El Zagal Holding Company for a raffle on 2/17/18.
 - d. The Village Family Service Center for a raffle and raffle board on 11/10/17.
 - e. Kappa Psi Co-ed Pharmaceutical Fraternity for a raffle on 10/23/17.
 - f. Lewis and Clark Elementary PTA for a raffle and bingo on 10/13/17.
6. Tax exemptions for improvements made to buildings:
 - a. Mary Michael N. and Jonathan M. Hedin, 1346 3rd Street North (5 year).
 - b. Troy T. and Alison M. Becker, 1413 8th Street South (5 year).
 - c. Stephanie Sokolofsky, 3226 Par Street North (5 year).
 - d. Jonathan M. Pikalek and Stephanie M. Hanson, 2807 Longfellow Road North (5 year).
 - e. Darren N. Dunlop and Donna L. Heck, 1643 Plumtree Road North (5 year).
 - f. Kevin H. and Karen A. Wilson, 1009 19th Avenue South (5 year).
 - g. Mark L. and Nancy L. Koehn, 2914 Southgate Drive South (5 year).
 - h. Jason T. Wollum and Stephanie A. Hansen, 218 21st Avenue North (5 year).
 - i. John L. and Sharon E. Matejcek, 114 16th Avenue North (5 year).

- j. Harold and Lila D. Unruh, 1020 5th Street North (5 year).
 - k. Scott W. Pryor and Amy E. Rand, 1122 7th Street North (5 year).
 - l. Elmer H. and Clara J. Mueller, 1533 4th Street North (5 year).
 - m. James Fletcher, 1317 1st Avenue North (5 year).
 - n. James Fletcher, 1629 2nd Avenue South (5 year).
7. Bid awards for custodial services at seven City building locations for three-year contracts.
 8. Notice of Grant Award from ND Department of Health for 2018 expenses and revenues for increasing breastfeeding rates/reducing overweight and obesity program (CFDA #93.994).
 9. Notice of Grant Award from ND Department of Health for 2017 expenses and revenues for increasing breastfeeding rates/reducing overweight and obesity program (CFDA #93.994).
 10. Purchase of Service Agreement with the ND Department of Human Services for substance abuse prevention (2017 expenses and revenues).
 11. Purchase of Service Agreement with the ND Department of Human Services for substance abuse prevention (2018 expenses and revenues).
 12. Notice of Grant Award from ND Department of Health for the chronic disease program (CFDA #93.758).
 13. Grant Agreement with Lutheran Social Services of ND for refugee health services and interpreters.
 14. Agreement for Statewide Tobacco Prevention Public Education Campaign with the Upper Missouri District Health Unit.
 15. Notice of Grant Award Amendment from ND Department of Health for Tobacco Prevention and Control Program.
 16. Service Agreement with Fargo Public Schools Department of Support Services for nursing care services for special education students during the 2017-2018 school year.
 17. Agreement for Services with Samantha Nienow for online training.
 18. Notice of Grant Award from the ND Department of Health for the WIC Program (CFDA #10.557).
 19. Resolution approving Plat of Lime Addition.
 20. Guaranty with Beyond Shelter, Inc., Church Townhomes Partners, LLLP and Renaissance Partners, LLLP.
 21. Change Orders for the City Hall Project:
 - a. No. 11 for an increase of \$20,801.25 for the general contract.
 - b. No. 12 for an increase of \$5,000.00 for the general contract.
 - c. No. 7 for an increase of \$1,359.00 for the electrical contract.
 - d. No. 8 for an increase of \$1,744.00 for the electrical contract.
 22. Bid award for Street Lighting Materials (RFP17266).
 23. Text Amendment to the Fargo Infrastructure Funding Policy to read "Base unit is a calculation of a three year running average of a minimum arterial width of forty feet or actual road width if less than forty feet".

34. Time extension to 12/1/17 for Project No. FM-15-B2.
25. Final Balancing Change Order No. 1 for an increase of \$19,767.00 for Project No. TR-15-C1.
26. Negative Final Balancing Change Order No. 2 in the amount of -\$9,168.85 for Project No. FM-15-A1.
27. Bid awards for Project Nos. FM-17-B1 and TR-17-A1.
28. Bid advertisement for Project No. FP-17-A.
29. Contract and bond for Project No. FM-14-63.
30. Bid award for FF&E for the Police Department Remodeling Project at the Border States Electric Building.
31. Bills.
32. Memorandum of Offer to Landowner for a permanent easement (street and utility) from Elwood Jay Brand for Improvement District No. BN-17-A1.
33. Memorandum of Offer to Landowner for a permanent easement (street and utility) from Elwood Jay Brand and Bruce Brand for Improvement District No. BN-17-A1.
34. Infrastructure request to create Improvement District No. BN-16-H1.
35. Cost Participation and Maintenance Agreement with the NDDOT for Improvement District No. PR-17-B1.
36. Amended Cost Participation and Maintenance Agreement with the NDDOT for Improvement District No. QN-17-A1.
37. Change Order No. 1 for an increase of \$21,637.96 for Improvement District No. PR-17-H1.
38. Negative Final Balancing Change Order No. 1 in the amount of -\$15,747.74 for Improvement District No. TN-16-C1.
39. Time Extension to 11/16/17 for Improvement District No. PR-17-H1.
40. Contract Amendment No. 1 for an increase of \$62,000.00 for Improvement District No. BR-18-B2.
41. 2017 CIP change to include the addition of Improvement District No. SN-16-C1.
42. Sole Source Procurement for five BNSF Railroad Utility Crossing licenses in the amount of \$31,000.00 for Improvement District No. BN-17-A1 (SSP17278).
43. Sole Source Procurement for two BNSF Railroad Utility Crossing licenses in the amount of \$9,000.00 for Improvement District No. BN-17-B1 (SSP17278).
44. Bid award for Improvement District No. AN-17-G1.
45. Create Improvement District Nos. BN-16-H and SN-16-C.

REGULAR AGENDA:

46. State Water Commission requests for Cost Reimbursement for FM Diversion Flood Project Costs:
- a. Costs totaling \$3,837,546.00.
 - b. Costs totaling \$1,501,080.00
47. Recommendation to reappoint Karen Moore to the Housing and Redevelopment Authority.
48. Public Hearings - 5:15 pm:
- a. Application filed by The Edge Artist Flats, LLC for a payment in lieu of tax exemption (PILOT) for a project located at 1321 5th Avenue North which the applicant will use in the operation of a low income apartment project.
 - b. Application filed by Juice Blends Fargo, LLC d/b/a Juice It Smoothie & Juice Bar for a Class "F" Alcoholic Beverage License at 64 Broadway, Suite 101.
 - c. Application filed by Wild Terra Cider and Brewing Company LLC d/b/a Wild Terra Cider and Brewing Company for a Class "C-W-P" Alcoholic Beverage License at 6 12th Street North.
 - d. Special assessments for the maintenance of the Skyway System; continued from 8/14/17 Regular Meeting.
 - e. Reeves Addition (502 University Drive North and 1321 5th Avenue North); approval recommended by the Planning Commission on 9/5/17:
 1. Zoning Change from GC, General Commercial to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay.
 2. 1st reading of rezoning Ordinance.
 - f. Text Amendment to amend Section 20-04 of the Fargo Municipal Code (Land Development Code) relating to the regulation of self-service storage in the DMU, Downtown Mixed Use, zoning district; approval recommended by the Planning Commission on 9/5/17:
 1. 1st reading of Ordinance.
 - g. Vacation of Public Utility Easement on Lots 1-3, Block 3, Jerstad-Thompson First Subdivision (2836 44th Avenue North).
 - h. CONTINUED to 10/9/17 - Appeal of a Board of Adjustment decision on a variance request at 3931 and 3949 37th Avenue South to allow a proposed building to be constructed to a lower elevation than would otherwise be required by the City's Floodproofing Code, as referenced by Article 21-06 of the Fargo Municipal Code; denied by the Board of Adjustment on 8/22/17.
49. Appointments to the Fargo Youth Initiative for the 2017-2018 school year.
50. Bid award for Project No. WA1510; continued from the 9/25/17 Regular Meeting.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 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 web site at FargoND.gov/citycommission.



TO: BOARD OF CITY COMMISSIONERS
FROM: KENT COSTIN, DIRECTOR OF FINANCE *KC*
RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL
DATE: September 15, 2017

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

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

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$3,837,546.

September 15, 2017

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

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #50 pursuant to the terms and conditions of House Bill 1020 for costs incurred from August 1, 2017 to August 31, 2017 on the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$3,837,546.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$166,400,550	\$732,590	100%	\$732,590	
		6,209,912	50%	3,104,956	
		\$6,942,502		\$3,837,546	\$140,261,904

Project Narrative, this request:


Project Number	Project Description
V01701	Temporary Easement for Phase 1B of Diversion Channel
V02805	Pay Application #30 for WP 42A.1/A.3, 4 th St Pump Station and Gatewell and 2 nd Street Floodwall South
V02812	Pay Application #19 for WP 42F.1S 2 nd St North Floodwall, South of the Pump Station
V02819	Pay Applications #11 & #12 for WP 42F.1N 2 nd Street North, North of Pump Station
V02811	Utility relocations for in-town levee projects
V04201	Road Repair and Dust/Traffic Control at Inlet Construction Site
N/A	Land for Diversion Channel, CR 16 & 17 realignment, and upstream mitigation area

We certify that \$75,961,672 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

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

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

Sincerely,


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

Required Local Approvals:

City of Fargo

Cass County Commission

Cass County Joint Water Resource Dist.

**FM Metropolitan Area Flood Risk Management Project
Summary of Cash Disbursements Eligible for SWC Funding
August 2017**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-206.10-00	8/9/2017	280173	INDUSTRIAL BUILDERS INC	205,243.45	Retainage PO 181346	V02812	2ND ST NORTH FLOODWALL
790-0000-206.10-00	8/9/2017	280173	INDUSTRIAL BUILDERS INC	(50,416.63)	CITY OF FARGO'S SHARE OF PROJ	V02812	2ND ST NORTH FLOODWALL
790-0000-206.10-00	8/31/2017	280696	INDUSTRIAL BUILDERS INC	564,905.03	Retain PO 185032/185033	V02819	2ND ST N FLOODWALL
790-0000-206.10-00	8/31/2017	280696	INDUSTRIAL BUILDERS INC	(59,465.18)	CITY OF FARGO'S SHARE OF PROJ	V02819	2ND ST N FLOODWALL
			Total Retainage	660,266.67			
790-7950-429.71-31	8/31/2017	280658	CASS COUNTY JOINT WATER RESOURCE DI	1,755.00	BUSTERS FARMS, LLLP	V01701	ND LAND PURCH-OUT OF TOWN
			Total LERRDS - North Dakota - Easements	1,755.00			
790-7950-429.38-99	8/31/2017	280659	CASS COUNTY TREASURER	1,065.00	ROAD REPAIR	V04201	DUST/TRAFFIC CONTRL-INLET
790-7950-429.38-99	8/31/2017	280659	CASS COUNTY TREASURER	1,334.58	DUST CONTROL	V04201	DUST/TRAFFIC CONTRL-INLET
			Total ND Construction - Other Services	4,899.58			
790-7950-429.73-52	8/3/2017	279953	INDUSTRIAL CONTRACT SERVICES INC	80,435.50	PUMP STATION & FLOOD WALL	V02805	PUMP STATION & FLOODWALL
790-7950-429.73-52	8/3/2017	279952	INDUSTRIAL BUILDERS INC	416,399.19	WORK PACKAGE 42F.1N	V02819	2ND ST N FLOODWALL
790-7950-429.73-52	8/3/2017	279952	INDUSTRIAL BUILDERS INC	(30,055.66)	CITY OF FARGO SHARE OF PROJ	V02819	2ND ST N FLOODWALL
790-7950-429.73-52	8/31/2017	280696	INDUSTRIAL BUILDERS INC	9,048.50	WORK PACKAGE 42F	V02819	2ND ST N FLOODWALL
790-7950-429.73-52	8/31/2017	280696	INDUSTRIAL BUILDERS INC	(1,212.50)	CITY OF FARGO SHARE OF PROJ	V02819	2ND ST N FLOODWALL
			Total ND Construction - Flood Control	474,615.03			
790-7950-429.73-70	8/9/2017	280263	XCEL ENERGY	34,545.76	TEMP POWER	V02811	XCEL WP42 UTILITY RELOCATE
			Total ND Construction - Utilities	34,545.76			
			Total Expense	1,176,082.04			
			Land - From Local Match Spreadsheet	5,766,420.00			
			Total Expense for Period	6,942,502.04			

(Aldo)

Finance Office

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

TO: BOARD OF CITY COMMISSIONERS
FROM: KENT COSTIN, DIRECTOR OF FINANCE *KC*
RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL
DATE: September 15, 2017

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

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

As requested previously by the City Commission, the costs related to the Oxbow Hickson Bakke levee are being presented separately from the rest of the Metro Flood Diversion expenses. This request includes only the OHB levee related costs for August 2017.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$1,501,080.

September 15, 2017

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

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #51 pursuant to the terms and conditions of House Bill 1020 for costs incurred on the OHB Levee project from August 1, 2017 to August 31, 2017. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$1,501,080.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$170,238,096	\$1,336,028	100%	\$1,336,028	
		330,104	50%	165,052	
		\$1,666,132		\$1,501,080	\$138,760,824

Project Narrative, this request:

Project Number	Project Description
V01204	Commercial relocation assistance for Oxbow Country Club
V01701	Pay Applications #4 and #5 for WP 43E.2D – Residential Demolition – Schnell Drive and Riverbend Road
V02411	Residential relocation assistance for homeowners that will be displaced by the O/H/B ring levee project
V03801	Pay Application #2 for WP 42E.2E – Schnell Drive & Oxbow Country Club Removals
V04701	Utility relocations for O/H/B ring levee project
N/A	Land purchased as part of home buyouts related to the O/H/B ring levee project

We certify that \$77,297,700 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

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

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

Sincerely,



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

Required Local Approvals:

City of Fargo

Cass County Commission

Cass County Joint Water Resource Dist.

**FM Metropolitan Area Flood Risk Management Project
 Summary of Cash Disbursements Eligible for SWC Funding
 August 2017 - OHB Levee Related Costs**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-206.10-00	8/31/2017	280762	SCHMIDT AND SONS CONSTRUCTION INC	(7,476.40)	SCHNELL & C CLUB REMOVAL	V03801	DEMO SCHNELL DR & OCC
			Total Retainage	(7,476.40)			
790-7930-429.67-11	8/31/2017	280658	CASS COUNTY JOINT WATER RESOURCE DI	1,299,442.00	THE TITLE COMPANY	V02411	OXBOW MOU-RESIDENT RLCTN
790-7930-429.67-11	9/15/2017	JB09170021	CASS COUNTY JOINT WATER RESOURCE DI	(8,000.00)	RECLASS CHAMP EARNEST MONEY	V02411	OXBOW MOU-RESIDENT RLCTN
790-7930-429.67-11	8/31/2017	280658	CASS COUNTY JOINT WATER RESOURCE DI	9,200.00	NORTHLAND GAMING	V02411	OXBOW MOU-RESIDENT RLCTN
790-7930-429.67-11	8/31/2017	280658	CASS COUNTY JOINT WATER RESOURCE DI	553.50	THE TITLE COMPANY	V02411	OXBOW MOU-RESIDENT RLCTN
790-7930-429.67-11	8/31/2017	280658	CASS COUNTY JOINT WATER RESOURCE DI	3,322.62	CURTIS AND MARY HAKANSON	V02411	OXBOW MOU-RESIDENT RLCTN
			Total LERRDS - North Dakota - Residential Buildings	1,304,518.12			
790-7930-429.67-12	8/31/2017	280658	CASS COUNTY JOINT WATER RESOURCE DI	44,118.72	OXBOW GOLF & COUNTRY CLUB	V01204	Cass Joint Water OCC
			Total LERRDS - North Dakota - Commercial Buildings	44,118.72			
790-7930-429.73-20	8/31/2017	280658	CASS COUNTY JOINT WATER RESOURCE DI	23,625.00	SCHMIDT AND SONS CONSTRUC	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.73-20	8/31/2017	280658	CASS COUNTY JOINT WATER RESOURCE DI	5,682.60	SCHMIDT AND SONS CONSTRUC	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.73-20	8/31/2017	280762	SCHMIDT AND SONS CONSTRUCTION INC	74,764.00	SCHNELL & C CLUB REMOVAL	V03801	DEMO SCHNELL DR & OCC
			Total LERRDS - North Dakota - Site Improvements	104,071.60			
790-7952-429.73-70	8/31/2017	280651	CASS COUNTY ELECTRIC-DIVERSION ONLY	27,700.00	CABLE REPLACE-GOLF COURSE	V04701	OHB LEVEE UTILITY RELOCATE
			Total O/H/B Construction - Utilities	27,700.00			
			Total Expense	1,472,932.04			
			Land - From Local Match Spreadsheet	193,200.00			
			Total Expense for Period	1,666,132.04			




(41)

Dr. Timothy J. Mahoney, Mayor
Fargo City Hall
200 3rd Street North
Fargo, ND 58102
Office: 701.241.1310 | Fax: 701.476.4136
www.FargoND.gov

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: SEPTEMBER 20, 2017

SUBJECT: APPOINTMENT TO THE HOUSING AND REDEVELOPMENT AUTHORITY

The term of Karen Moore on the Housing and Redevelopment Authority expires on September 30, 2017. Ms. Moore is willing to serve another term and I am, therefore, recommending her reappointment.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Karen Moore to the Housing and Redevelopment Authority for a three-year term ending September 30, 2020.

mmappt17hra



480A

September 19, 2017

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Attached is an application made by The Edge Artist Flats, for a payment in lieu of tax (PILOT) according to N.D.C.C. Chapter 40-57.1. The PILOT requested is for a new 42 unit, low income housing project at 1321 5 Ave. N. The applicant is in the application process with the North Dakota Housing Finance Agency for Low Income Housing Tax Credit funds.

Notices to competitors have been published. Tax Exempt Review Committee has met to consider this application. No potential competitors appeared at the Tax Exempt Review meeting. This project meets our current policy as stated below.

Qualifying projects under the federal Low Income Housing Tax Credit (LIHTC) program will be considered for a 15 year PILOT according to the following:

- *City of Fargo must approve the LIHTC participation.*
- *PILOT payment schedule will be established based on a value of the project determined by using a gross rent multiplier (GRM) of 5.5–6.5 times the gross rents received from the project imposed by the low income credit program in the initial year.*
- *An annual inflation factor of 2% will be applied to the PILOT payment schedule.*

SUGGESTED MOTION:

Approval of a 15 year, payment in lieu of tax for The Edge Artist Flats for a low income housing project at 1321 5 Ave. N. according to the attached payment schedule.

Sincerely,

A handwritten signature in black ink that reads "Ben Hushka". The signature is written in a cursive style with a large initial "B".

Ben Hushka
Tax Exempt Review Committee

Payment In Lieu of Property Tax
Payment Schedule

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

PROJECT OPERATOR: The Edge Artist Flats, LLC

ASSUMPTIONS: \$5,000,000 improvement value

Initial year payment based on tax on the value of \$1,575,800 determined at 5.5 times gross restricted rent under LIHTC program, less projected land tax.

Annual PILOT Growth = 2%

PAYMENT SCHEDULE:

<u>YEAR</u>	<u>IN LIEU PAYMENT</u>
1	\$ 18,764
2	\$ 19,139
3	\$ 19,522
4	\$ 19,912
5	\$ 20,310
6	\$ 20,717
7	\$ 21,131
8	\$ 21,554
9	\$ 21,985
10	\$ 22,424
11	\$ 22,873
12	\$ 23,330
13	\$ 23,797
14	\$ 24,273
15	\$ 24,758

****Note - The applicant will pay property tax on the land in addition to these in lieu payments.**

**Application For Property Tax Incentives For
New or Expanding Businesses**

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

Project Operator's Application To City of Fargo
City or County

RECEIVED

AUG 11 2017

FARGO ASSESSOR

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

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

This application is a public record

Identification Of Project Operator

1. Name of project operator of new or expanding business The Edge Artist Flats, LLC

2. Address of project 1321 5 Ave N
City Fargo County Cass

3. Mailing address of project operator 9 Sheboygan Street
City Fond Du Lac State WI Zip 54935

4. Type of ownership of project
 Partnership Subchapter S corporation Individual proprietorship
 Corporation Cooperative Limited liability company

5. Federal Identification No. or Social Security No. To be applied for - will update upon receipt

6. North Dakota Sales and Use Tax Permit No. Not applicable - no sales

7. If a corporation, specify the state and date of incorporation

8. Name and title of individual to contact Erin Anderson
Mailing address 213 4th Street, 4th Floor #421
City, State, Zip St. Paul, MN 55101 Phone No. 612-791-0496

Project Operator's Application For Tax Incentives

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

<input type="checkbox"/> Property Tax Exemption	<input checked="" type="checkbox"/> Payments In Lieu of Taxes
<u> </u> Number of years	Beginning year <u>2035</u> Ending year <u>2020</u>
<u> </u> Percent of exemption	Amount of annual payments (attach schedule if payments will vary)

10. Which of the following would better describe the project for which this application is being made:
 New business project Expansion of a existing business project

Description of Project Property

11. Legal description of project real property

The eastern portion of Parcel A and Parcel B as depicted in the attached preliminary site plan, to be more particularly described by survey at a later date.

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

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

Yes No

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

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

If existing facility, when was it constructed? _____

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application _____

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

The Edge Artist Flats will be a four-story wood frame construction building of average quality with 42 apartment units, first floor covered parking, and surface parking. The site improvements will also include significant landscaping and a playground. The apartments will be affordable to residents at 50 percent area median income and lower and will be financed through the low-income housing tax credit program. There

c. Projected number of construction employees during the project construction 90

14. Approximate date of commencement of this project's operations June 2019

15. Estimated market value of the property used for this project:

a. Land \$ 270,000

b. Existing buildings and structures for which an exemption is claimed..... \$ 0

c. Newly constructed buildings and structures when completed \$ 5,000,000

d. Total \$ 5,270,000

e. Machinery and equipment \$ _____

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

a. Land (not eligible) [REDACTED]

b. Eligible existing buildings and structures \$ 0

c. Newly constructed buildings and structures when completed..... \$ 250,000

d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ 250,000

e. Enter the consolidated mill rate for the appropriate taxing district 287.51

f. Annual amount of the tax exemption (Line d multiplied by line e) \$ 53,384.00

*\$71,878 less \$18,764 PILOT payment

Description of Project Business

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

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

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

The proposed use will be a multifamily apartment building, which will be operated by the applicant.

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

Not applicable

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

Year (12 mo. periods)	New/Expansion Project only	New/Expansion Project only	New/Expansion Project only	New/Expansion Project only	New/Expansion Project only
	Year 1	Year 2	Year 3	Year 4	Year 5
Annual revenue	286,511	292,242	298,086	304,048	310,129
Annual expense	261,759	268,355	275,147	282,136	289,329
Net income	24,755	23,887	22,940	21,912	20,800

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

Current positions & positions added the initial year of project

# Current Positions	New Positions Under \$13.00	New Positions \$13.01-\$15.00	New Positions \$15.01-\$20.00	New Positions \$20.01-\$28.00	New Positions \$28.01-\$35.00	New Positions Over \$35.00
0				2		

Year	(Before project)	Year 1	Year 2	Year 3	Year 4	Year 5
No. of Employees	(1) 0					
	(2) 0	2	2	2	2	2
Estimated payroll	(1) 0	0	0	0	0	0
	(2) 0	43,000	44,290	45,619	46,987	48,397

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

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No

23. Has the project operator conducted this business at this or any other location either in or outside of the state?
 Yes No

24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).
PILOT has been approved by the City of Mandan for La Sagrada Familia Apartments, LLC, dba Historic Apartments on 4th. Property tax incentives have also been received on other properties in other states.

Business Competition

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

If YES, give name and location of competing business or businesses
Other affordable housing LIHTC developments in Fargo include Herald Square, Dakota Pioneer Center, and Graver Inn. None of these are operated by the applicant.

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

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it? Yes No

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

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

Use Only When Reapplying

28. The project operator is reapplying for property tax incentives for the following reason(s):

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

Notice to Competitors of Hearing

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

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

Louie A. Lange III Signature President Title 8/9/17 Date

PILOT if County Completely Opted Out Of This Incentive

	County Share	County Addl Share	Total County Share	Potential Full Tax	PILOT & Tax	% Ex
1	\$3,377.45	\$10,260	\$13,638	\$75,766	\$32,913	60%
2	\$3,445.00	\$10,452	\$13,897	\$77,204	\$33,479	60%
3	\$3,513.90	\$10,647	\$14,161	\$78,670	\$34,057	60%
4	\$3,584.18	\$10,846	\$14,430	\$80,166	\$34,646	60%
5	\$3,655.86	\$11,049	\$14,704	\$81,691	\$35,247	60%
6	\$3,728.98	\$11,256	\$14,984	\$83,247	\$35,861	60%
7	\$3,803.56	\$11,467	\$15,270	\$84,834	\$36,486	60%
8	\$3,879.63	\$11,682	\$15,562	\$86,453	\$37,124	60%
9	\$3,957.22	\$11,902	\$15,859	\$88,105	\$37,775	60%
10	\$4,036.37	\$12,126	\$16,162	\$89,789	\$38,438	60%
11	\$4,117.09	\$12,354	\$16,471	\$91,507	\$39,115	60%
12	\$4,199.44	\$12,587	\$16,787	\$93,259	\$39,806	60%
13	\$4,283.43	\$12,825	\$17,108	\$95,047	\$40,510	60%
14	\$4,369.09	\$13,067	\$17,437	\$96,870	\$41,229	60%
15	\$4,456.48	\$13,315	\$17,771	\$98,729	\$41,962	60%

	% Ex	PILOT Pymt	Full Bldg Tax	Benefit	PV of Benefit	PILOT & Tax
2020	74%	\$18,764	\$71,878	\$53,114	\$50,800	\$22,652
2021	74%	\$19,139	\$73,315	\$54,176	\$49,600	\$23,027
2022	74%	\$19,522	\$74,781	\$55,260	\$48,400	\$23,410
2023	74%	\$19,912	\$76,277	\$56,365	\$47,300	\$23,801
2024	74%	\$20,310	\$77,803	\$57,492	\$46,100	\$24,199
2025	74%	\$20,717	\$79,359	\$58,642	\$45,000	\$24,605
2026	74%	\$21,131	\$80,946	\$59,815	\$44,000	\$25,019
2027	74%	\$21,554	\$82,565	\$61,011	\$42,900	\$25,442
2028	74%	\$21,985	\$84,216	\$62,231	\$41,900	\$25,873
2029	74%	\$22,424	\$85,900	\$63,476	\$40,900	\$26,313
2030	74%	\$22,873	\$87,618	\$64,746	\$39,900	\$26,761
2031	74%	\$23,330	\$89,371	\$66,040	\$38,900	\$27,219
2032	74%	\$23,797	\$91,158	\$67,361	\$38,000	\$27,685
2033	74%	\$24,273	\$92,981	\$68,708	\$37,100	\$28,161
2034	74%	\$24,758	\$94,841	\$70,083	\$36,200	\$28,647
TOTALS		\$324,487	\$1,243,008	\$918,520	\$647,000	\$382,816
Annual Land Tax		\$3,889				
						(\$270,500 Estimated Land Value - 45,086SF @ 6.00/SF)

MEMORANDUM

486

TO: Chief David Todd
FROM: Sergeant Matt Christensen
DATE: August 23rd, 2017

SUBJECT: Application for a Class "F" Alcoholic Beverage License for Juice Blends Fargo, LLC d/b/a: Juice It Smoothie & Juice Bar to be located at 64 Broadway, Suite 101 Fargo, ND.

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

During this investigation I questioned the applicant's criminal background, credit history, past residence history as well as any interaction they have had with law enforcement in any state.

The following information was discovered through this investigation:

Chukweumeka Ilogu - Owner

Criminal History- In August 2010, was arrested for Loud Party/Owner Failure to Cooperate in Fargo after refusing to make his guests leave the loud party. A bench warrant was issued after failing to appear in court after release from jail. Arrested on the warrant a month later and pled guilty to the offense receiving \$500 in fines.

In October 2007 was cited for Driving W/Out Liability Insurance. Warrant was issued after failing to appear for court and served in November 2007. Pled guilty and received 30 days in jail (suspended), Unsupervised Probation and \$150 in fines.

Credit History- No areas of concern

Chinedu Ilogu - Owner

Criminal History- No areas of concern

Credit History- No areas of concern

Investigation Notes

Juice It Smoothie & Juice Bar is applying for a Class "F" license to allow them to sell alcoholic beverages "on-sale" only. The application will be utilized for catering events, and alcohol will not be sold on site at the establishment. The goal of the owner is to cater events such as weddings and corporate events and would like to sell alcohol at those types of events. As noted above, one applicant has been arrested for failing to cooperate with Law Enforcement during a loud party investigation. The officers noted that while he refused to make his guests leave, he was cooperative during and after the arrest. His rationale for not making his guests leave is they did not have a sober ride and he did not want them to have to pay for cabs.

Business Location

Juice It Smoothie & Juice Bar will be located at 64 Broadway Suite 101 Fargo, ND. Other businesses in the area with an alcoholic beverage license include; Hotel Donaldson, Vinyl Taco, Rooter's, Sport's Bar, Old Broadway, Fort Noks, Drunken Noodle, No Bull, The Boiler Room, Blackbird Woodfire, Front Street Taproom, and Rhombus Guys.

Conclusion

I believe I have discovered all information related to the listed applicant(s) and all information related to the issuance of the requested liquor license. I have provided this completed background investigation to Fargo Police Chief David Todd for his review and recommendation.



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Company name (LLC, Inc): Juice Blends Fargo, LLC

Doing business as: Juice It Smoothie & Juice Bar

Business address (location): 64 Broadway, Suite 101, Fargo, ND 58102

Mailing address: Same as above

Business e-mail address: juiceitfargo@gmail.com

Phone number: (701) 353-7160 Other number: (701) 840-2547

The following section to be completed by City Staff:

Date Received by Auditor's Office: 8/8/17

Investigations Fee Paid (\$250) Yes No Date Paid: 8/8/17 Check # 41032

Reviewed – Police Department by: _____ Date: _____

Comments (or see attached report):

_____ Approval Recommendation

_____ Denial Recommendation

Chief of Police

Date

Reviewed – Liquor Control Committee on (date): _____

_____ Approval Recommendation

_____ Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date): _____

_____ Approval

_____ Denial

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

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

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

The following section to be completed by the applicant:

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

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

Applicant printed name: Chuck Flogu Signature: 

Applicant printed name: _____ Signature: _____

Applicant printed name: _____ Signature: _____

Applicant Information: (2 pages)

Name: Chuck Ilogu

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

Address: 4722 38th Avenue South, Unit D Fargo ND 58104

(address) (city) (state & zip)

How long have you lived at this address? August 1, 2017

Provide your address history for the past 5 years:

From May 2010 to July 31, 2017 Address: 4393 Calico Drive, #304, Fargo, ND 58104

From _____ to _____ Address: _____

E-mail address: ochplive@gmail.com

Home phone number: (701) 840-2547 Other number: (____) _____

Date of Birth: 08/21/1987 Place of Birth: Lagos, Nigeria

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

DL#: ILO-87-9849 State of Issue: ND Dates: Present

DL#: _____ State of Issue: _____ Dates: _____

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

I had unpaid parking tickets back in college more than eight years ago and my license was suspended for a short, short period of time until I paid the tickets.

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

_____ Yes X No If "yes," where and when?

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

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

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

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

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

Food and beverage license

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

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

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

From: June 2014 to Present Business name: Juice It, LLC

Address: 4302 13th Avenue South, Suite 18, Fargo, ND 58103 Position/Title: Owner

From: 2009 to 2014 Business name: Doolittles Woodfire Grill

Address: 2112 25th Street SW, Fargo, ND 58103 Position/Title: Server

From: 2008 to Present Business name: Hustle Proof Corporation

Address: 4393 Calico Drive South, #304, Fargo, ND 58104 Position/Title: Owner

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

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

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

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

Operator/Manager Information

Are you going to operate/manage this business personally?

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

Name:

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

Address:

(address) (city) (state & zip)

Home phone number: (____) _____ Other number (____) _____

Date of Birth: _____ Place of Birth: _____

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

Applicant Information: (2 pages)

Name: Chinedu Uzoma Ilogu
(first) (middle) (last) (maiden name)

Address: 5060 43rd Avenue South Fargo ND 58104
(address) (city) (state & zip)

How long have you lived at this address? August 1, 2017

Provide your address history for the past 5 years:

From 2015 to July 31, 2017 Address: 4393 Calico Drive South, #304, Fargo, ND 58104

From 2012 to 2015 Address: 4259 9th Avenue Circle South, #209, Fargo, ND 58103

E-mail address: reenohpl@gmail.com

Home phone number: (701) 840-3178 Other number: (____) _____

Date of Birth: 11/30/1988 Place of Birth: Lagos, Nigeria

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

DL#: ILO-88-4099 State of Issue: ND Dates: Present

DL#: _____ State of Issue: _____ Dates: _____

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

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

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed) _____ Yes X No
If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

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

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

Food and beverage license

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

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

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

From: June 2014 to Present Business name: Juice It, LLC

Address: 4302 13th Avenue South, Suite 18, Fargo, ND 58103 Position/Title: Owner

From: 2010 to 2013 Business name: Kelly Services

Address: 4501 15th Avenue SW, Fargo, ND 58103 Position/Title: Various temp work

From: 2008 to Present Business name: Hustle Proof Corporation

Address: 4393 Calico Drive South, #304, Fargo, ND 58104 Position/Title: Owner

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

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

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

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

Operator/Manager Information

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

Name:

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

Address:

(address) (city) (state & zip)

Home phone number: (____) _____ Other number (____) _____

Date of Birth: _____ Place of Birth: _____

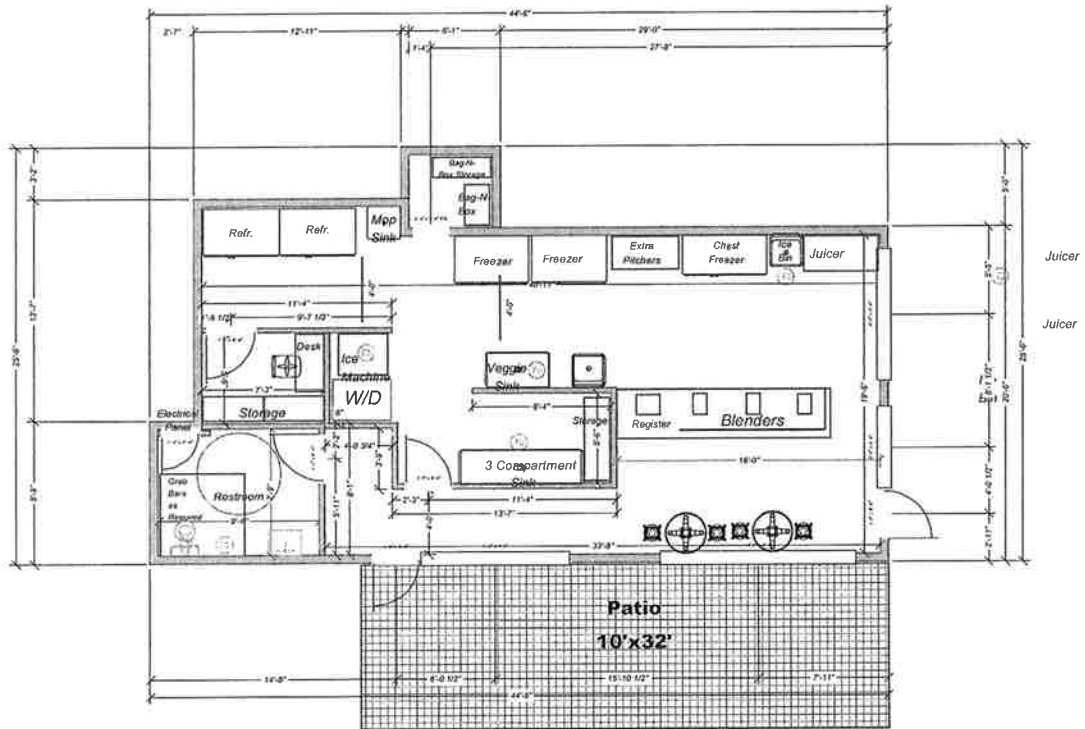
(Important: The name and other information about your manager must be provided before a license can be issued. If the manager changes during the course of the license period, you must provide the City Auditor's Office with updated information about the new manager immediately.)

Business Site Plan

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

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

Will be using the license for catering purposes, but attached is a picture of the inside of restaurant.



<p>Juice It #3 64 N Broadway Fargo, ND 58102</p>	<p>General Contractor: Vision Construction, LLC West Fargo, ND <i>Plan by Ben Koppelman - Version 001-4/15/17</i> Scale: 1/4"=1'</p>	<p>Contact: Ben Koppelman 701-491-0665 ben@visionconstruction.net</p>
---	--	---

FROM ABOUT FRESH AND VEGGIE JUICES

Learn about the health benefits of these superfoods:

- Apple** - Rich in antioxidants, fiber, and potassium.
- Citrus** - High in Vitamin C and antioxidants.
- Spinach** - Packed with iron, calcium, and antioxidants.
- Carrot** - Good for eye health and skin.
- Kale** - Loaded with antioxidants and vitamins.
- Leafy Greens** - Great for digestion and overall health.

WHOLE CRASS

Apple Juice with 100% Natural Fruit Juice M-27

CRASS JUICES

Our juices are made with fresh, organic fruits and vegetables. They are packed with antioxidants, vitamins, and minerals. Our juices are perfect for anyone looking to improve their health and wellness.

Our juices are made with fresh, organic fruits and vegetables. They are packed with antioxidants, vitamins, and minerals. Our juices are perfect for anyone looking to improve their health and wellness.

CRASS JUICES

Our juices are made with fresh, organic fruits and vegetables. They are packed with antioxidants, vitamins, and minerals. Our juices are perfect for anyone looking to improve their health and wellness.

JUCEIT

SMOOTHIE & JUICE BAR

Smoothie



Operational and Financial Issues

Briefly describe your business concept, including your analysis of how this model fits into the proposed location (i.e., describe the suitability of the “fit” into the existing neighborhood or business area).
(Use additional pages if necessary)

Incorporate alcohol into juice blend smoothies through catering of events, weddings, etc. I believe it will be a great addition to the downtown scenery.

Describe in detail how you intend to address/prevent each of the following concerns at your Business:
(Use additional pages if necessary)

Over-serving, intoxicated or disorderly patrons:

Do not plan on serving alcohol at the restaurant, but to use for catering purposes. I would refuse service of intoxicated or belligerent individuals.

Safety and security issues, including crowd control:

I do not foresee that as an issue as the restaurant closes at 9:00 p.m. and I do not intent to serve alcohol at the restaurant, but to use for event purposes such as corporate events and weddings, so I don't feel that there would be an issue with crowd control or safety and security.

Minors on the premises, including consumption by minors:

I would check IDs before serving any alcohol.

Noise concerns, especially from nearby residences of other businesses:

While I would be using for catering of events in the downtown area, there are already bars, etc. that offer live bands so I don't believe there would be any concern about noise.

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

Live bands for corporate events, weddings, etc. How often these events will take place will vary based on time of year and bookings.

What is your total **business** indebtedness for the entity, excluding lease costs? \$38,000

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

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

<u>Name</u>	<u>Address</u>	<u>Phone #</u>	<u>% Owed</u>
Dakota CDC	4133 30 th Avenue South, #100 Fargo, ND 58104	701-293-8892	100%
_____	_____	_____	_____
_____	_____	_____	_____

Have you ever filed a petition of bankruptcy? Yes No

If "yes", when and what were the circumstances?

Please list at least three business references:

<u>Name</u>	<u>Address</u>	<u>Phone #</u>
Ronald Knoll	4132 30 th Avenue South, Suite 100 Fargo, ND 58104	701-235-3300
Craig Fenske	4357 13 th Avenue SW, #209 Fargo, ND 58103	701-277-5858
Andrew Hanson	3137 32 nd Avenue South Fargo, ND 58103	701-238-7098

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

Is this application for a lodge or club? Yes No

If "yes", number of members in good standing _____

Date of organization incorporation April 18, 2017

MEMORANDUM

480

TO: Chief David Todd

FROM: Sergeant Matt Christensen

DATE: August 23rd, 2017

SUBJECT: Application for a Class “C-W-P” Alcoholic Beverage License for Wild Terra Cider and Brewing Company LLC d/b/a: Wild Terra Cider and Brewing Company to be located at 6 12th Street North Fargo, ND.

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

During this investigation I questioned the applicant’s criminal background, credit history, past residence history as well as any interaction they have had with law enforcement in any state.

The following information was discovered through this investigation:

Breezee J Hennings - Applicant

Criminal History- No areas of concern

Credit History- Filed for Chapter 7 Bankruptcy in November 2012. Several outstanding accounts were discharged through that filing. All active accounts are up to date and current.

Ethan Shaw Hennings – Applicant

Criminal History- No areas of concern

Credit History- Filed for Chapter 7 Bankruptcy in November 2012. Several outstanding accounts were discharged through that filing. All active accounts are up to date and current. *(Filed with applicant above)*

Alexander Leland Guderian – Applicant

Criminal History- No areas of concern

Credit History- No areas of concern

Christian Lyman Thorson – Applicant

Criminal History- In July 2004 was cited for Reckless Driving in Bismarck, ND. Pled guilty and received 30 days in jail (suspended), Unsupervised Probation and \$500 fine.

Credit History- No areas of concern

Abigail Kathleen Guderian – Applicant

Criminal History- No areas of concern

Credit History- No areas of concern

Hope Madonna Goldammer – Applicant

Criminal History- No areas of concern

Credit History- No areas of concern

Donald Scott Goldammer – Applicant

Criminal History- In September 2004 was cited for MIP, Poss. Alcohol in Public, and Resisting Police Officer. Was in the area of a party in Fargo possessing alcohol, when approached by officers he ran. Was apprehended and arrested. Pled guilty and received 30 days in jail (suspended) and \$750 in fines.

In April 2008 was cited for Reckless Driving in Mandan, ND. Pled guilty and received 10 days in jail (8 suspended) and \$750 in fines.

In September 2011 was cited for Reckless Driving in Mandan, ND. Pled guilty and received 10 days confinement (electronic home monitoring) and \$500 in fines.

Credit History- No areas of concern

Investigation Notes

Wild Terra Cider and Brewing Company is applying for a Class "C-W-P" Alcoholic Beverage License to sell beer, wine and sparkling wine. The focus of the business will be to promote local craft cider beer. Through my investigation into the applicants for this license, I could not find anything that would lead me to believe there would be any issues with this business model, or the applicants' interactions with Law Enforcement. Two of the applicants have filed for Bankruptcy in the recent past, but since that time have started to rebuild their credit and currently are in good standing with their accounts and current credit. I did speak to Mr. Goldammer about the two Reckless Driving citations he received in Mandan in 2008 and 2011. Both of these were alcohol related that were pled down to Reckless Driving. Mr. Goldammer has not had any other issues for the last several years.

Business Location

Wild Terra Cider and Brewing Company will be located at 6 12th Street North Fargo, ND. Other businesses in the area with an alcoholic beverage license include; The Nestor, Duffy's and Tailgators.

Conclusion

I believe I have discovered all information related to the listed applicant(s) and all information related to the issuance of the requested liquor license. I have provided this completed background investigation to Fargo Police Chief David Todd for his review and recommendation.

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Company name (LLC, Inc): Wild Terra Cider and Brewing Company LLC

Doing business as: Wild Terra Cider and Brewing Company

Business address (location): 6 12th St N Fargo ND 58102

Mailing address: PO Box 688 Fargo ND 58107

Business e-mail address: wildterra.ciderandbrewing@gmail.com

Phone number: (701) 306 1064 Other number: (701) 200 7445

The following section to be completed by City Staff:

Date Received by Auditor's Office: 8/10/17

Investigations Fee Paid (\$250) Yes No Date Paid: 8/10/17 Check # 1063

Reviewed – Police Department by: _____ Date: _____

Comments (or see attached report):

_____ Approval Recommendation

_____ Denial Recommendation

Chief of Police

Date

Reviewed – Liquor Control Committee on (date): _____

_____ Approval Recommendation

_____ Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date): _____

_____ Approval

_____ Denial

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

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

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

The following section to be completed by the applicant:

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

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

Applicant printed name: Alexander Guderman Signature: Alexander Guderman

Applicant printed name: _____ Signature: _____

The following section to be completed by the applicant:

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

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

Applicant printed name: Christen Thorson Signature: [Handwritten Signature]

Applicant printed name: _____ Signature: _____

The following section to be completed by the applicant:

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

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


Applicant printed name: David Goldammer Signature: [Signature]

Applicant printed name: Hope Goldammer Signature: [Signature]

The following section to be completed by the applicant:

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

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

Applicant printed name: Abigail Guderman Signature: 

Applicant printed name: _____ Signature: _____

The following section to be completed by the applicant:

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

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

Applicant printed name: Breezoe Hennings Signature: [Signature]

Applicant printed name: Etha Hennings Signature: [Signature]

Applicant printed name: _____ Signature: _____

Applicant Information: (2 pages)

Name: Breezee J Hennings Walkin
(first) (middle) (last) (maiden name)

Address: 1137 1st St N Fargo ND 58102
(address) (city) (state & zip)

How long have you lived at this address? 36 years

Provide your address history for the past 5 years:

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: wildterra cidor and brewing @ gmail . com

Home phone number: (701) 306 1064 Other number: (____) _____

Date of Birth: 5/1/87 Place of Birth: Fargo ND

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

DL#: HEN 87 0611 State of Issue: North Dakota Dates: 2011 - 2017

DL#: _____ State of Issue: _____ Dates: _____

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

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

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

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

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

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

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

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

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

From 2011 to present Business name: ABF Freight

Address: 401 43rd St NW Position/Title: ops supervisor

From 2010 to 2011 Business name: Washington State Labor, Industries

Address: 7273 Linderson Way Position/Title: clerk

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

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

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

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

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

Applicant Information: (2 pages)

Name: Ethan shaw Hennings
(first) (middle) (last) (maiden name)

Address: 1137 1st St N Fargo NO 58102
(address) (city) (state & zip)

How long have you lived at this address? 6 years

Provide your address history for the past 5 years:

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: breczee - ethan @ hotmail.com

Home phone number: (701) 306 1064 Other number: (____) _____

Date of Birth: 5/26/87 Place of Birth: Hammond IN

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

DL#: HEN 86 3983 State of Issue: North Dakota Dates: 2011-2017

DL#: _____ State of Issue: _____ Dates: _____

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

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

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

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

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

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

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

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

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

From: 5-15 to 2-17 Business name: Hammer Inc

Address: 714 Main Ave Fargo ND Position/Title: foreman

From: 5-11 to 5-15 Business name: Century Builders

Address: 3713 14th St W west Fargo Position/Title: project manager

From: 9-10 to 5-11 Business name: Self-Employed

Address: _____ Position/Title: odd construction jobs

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

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

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

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

Applicant Information: (2 pages)

Name: Alexander Leland Gaderian
(first) (middle) (last) (maiden name)

Address: 2320 30th Ave S Minneapolis MN 55406
(address) (city) (state & zip)

How long have you lived at this address? 3 years + 9 months

Provide your address history for the past 5 years:

From 2011 to 2013 Address: 2828 Humboldt Ave S #3 Minneapolis MN 55408

From 2013 to 2017 Address: ~~2828~~ 2320 30th Ave S Minneapolis MN 55406

E-mail address: alexander.gaderian@gmail.com

Home phone number: (612) 281 0097 Other number: () _____

Date of Birth: 11/16/1989 Place of Birth: Fargo, ND

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

DL#: Q107109108508 State of Issue: MN Dates: 11-2014 to 11/16/2018

DL#: _____ State of Issue: _____ Dates: _____

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

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

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

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

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

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

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

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

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

From: 2016 to present Business name: American Mortgage

Address: 7760 France Ave S Position/Title: Clerk
Bloomington MN 55435

From: 2009 to 2016 Business name: SL- SER CO

Address: 2817 Anthony Lakes Position/Title: Trainer
Saint Anthony MN 55418

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

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

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

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

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

Applicant Information: (2 pages)

Name: Christian Lyman Thorson
(first) (middle) (last) (maiden name)

Address: 814 1st Street Wth Fargo ND 58102
(address) (city) (state & zip)

How long have you lived at this address? 2.5 years

Provide your address history for the past 5 years:

From 2012 to 2015 Address: 624 Main Ave #12 Fargo ND

From _____ to _____ Address: _____

E-mail address: thorson.christian@gmail.com

Home phone number: (701) 220 8642 Other number: () _____

Date of Birth: 08-15-1982 Place of Birth: Houston, TX

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

DL#: THO-82-2730 State of Issue: ND Dates: 9-7-12 / 8-15-18

DL#: _____ State of Issue: _____ Dates: _____

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

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

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

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

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

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

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

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

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

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

From: 2009 to present Business name: ND Army National Guard

Address: Det 42 3410 Airway Ave Position/Title: pilot
Bismarck ND

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

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

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

Do you have any current or prior management experience working for a business that sells or serves alcohol?
 Yes No If "yes", describe below:
2006-2009 Manager, bartender O'Leary's Irish Pub Grand Forks ND

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

Applicant Information: (2 pages)

Name: Abigail Kathleen Guderman Newton
(first) (middle) (last) (maiden name)

Address: 2320 30th Ave S. Minneapolis MN, 55406
(address) (city) (state & zip)

How long have you lived at this address? 3 yrs 9 mths

Provide your address history for the past 5 years:

From 2013 to Current Address: 2320 30th Ave S. Mpls, MN 55406

From 2010 to 2013 Address: 2828 Humboldt Ave S. Mpls, MN 55408

E-mail address: Abbyguderman@gmail.com

Home phone number: (630) 397-8059 Other number: ()

Date of Birth: 9/19/1990 Place of Birth: Elgin, IL

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

DL#: G307019854210 State of Issue: MN Dates: 9/2015

DL#: G307019854210 State of Issue: MN Dates: 6/2012

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

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

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

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

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

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

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

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

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

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

From: 2014 to present Business name: American Mortgage

Address: 7760 France Ave S Position/Title: Loan processor
Bloomington MN 55435

From: 2010 to 2014 Business name: Urban Outfitters

Address: 3000 Hennepin Ave S Position/Title: Buyer
Minneapolis MN 55408

From: 2007 to 2010 Business name: Caribou coffee

Address: 3044 Excelsior Blvd Position/Title: Barista
Minneapolis MN 55416

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

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

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

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

Applicant Information (2 pages)

Name: Hope MARINA Goldammer Wald
(first) (middle) (last) (maiden name)

Address: 714 MAIN AVE Fargo ND 58103
(address) (city) (state & zip)

How long have you lived at this address? 4 yrs

Provide your address history for the past 5 years:

From 2013 to 2017 Address: 714 MAIN AVE FARGO ND

From 2012 to 2013 Address: 200 8th ST S FARGO ND

E-mail address: hope.e.ltd2029@gmail

Home phone number: (701) 522 7654 Other number: ()

Date of Birth: 7/20/87 Place of Birth: BISMARCK ND

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

DL#: GOL-87-6574 State of Issue: ND Dates: ISS 01-29-15 | EXP 07-20-19

DL#: _____ State of Issue: _____ Dates: _____

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

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

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

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

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

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

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

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

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

From: 2011 to present Business name: Lot 2029

Address: 612 Main Ave Fargo ND Position/Title: owner

From: 2009 to 2011 Business name: Herbergers

Address: 641 Kirkwood Mall Position/Title: clerk
Bismark ND

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

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

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

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

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

Applicant Information: (2 pages)

Name: DOUGLAS SCOTT GOLDAMMER
(first) (middle) (last) (maiden name)

Address: 714 MAIN AVE FARGO ND 58103
(address) (city) (state & zip)

How long have you lived at this address? 4yrs

Provide your address history for the past 5 years:

From 2013 to 2017 Address: 714 MAIN

From 2012 to 2013 Address: 2008th st S FARGO, ND

E-mail address: douggoldammer@gmail.com

Home phone number: (701) 333 9232 Other number: ()

Date of Birth: 12/26/83 Place of Birth: JAMESTOWN ND

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

DL#: 60L-83-9894 State of Issue: ND Dates: ISSUED: 11-19-2013
EXPIRE: 12-26-2017

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? X Yes _____ No If "yes," where and when.
2008 - BISMARCK 2011 - BISMARCK

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

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

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

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

If "yes", provide the date of arrest, location, charge of each conviction.
2005 - MINOR IN POSSESSION - FARGO
2011 - September - MANDAN - Reckless Driving

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

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

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

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

From: 2013 to present Business name: Hammer Inc

Address: 714 Main Ave Fargo ND Position/Title: owner

From: 2007 to 2013 Business name: Verity Homes

Address: 3509 6th St E West Fargo ND Position/Title: Project Manager

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

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

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

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

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

Operator/Manager Information

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

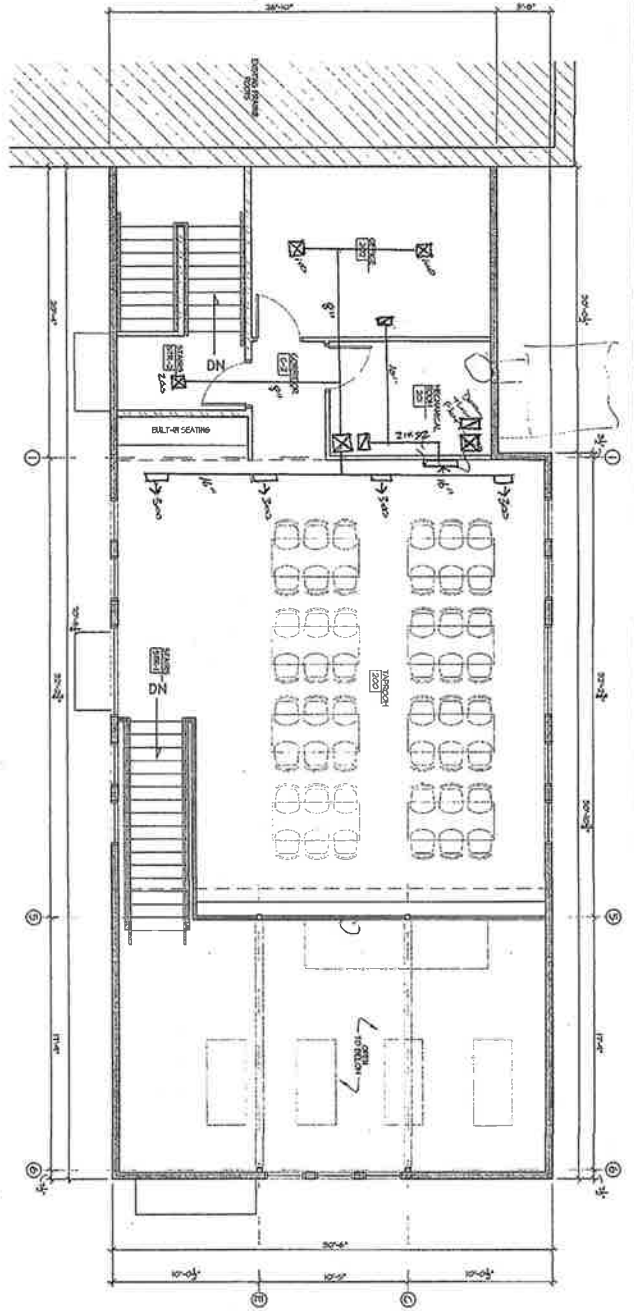
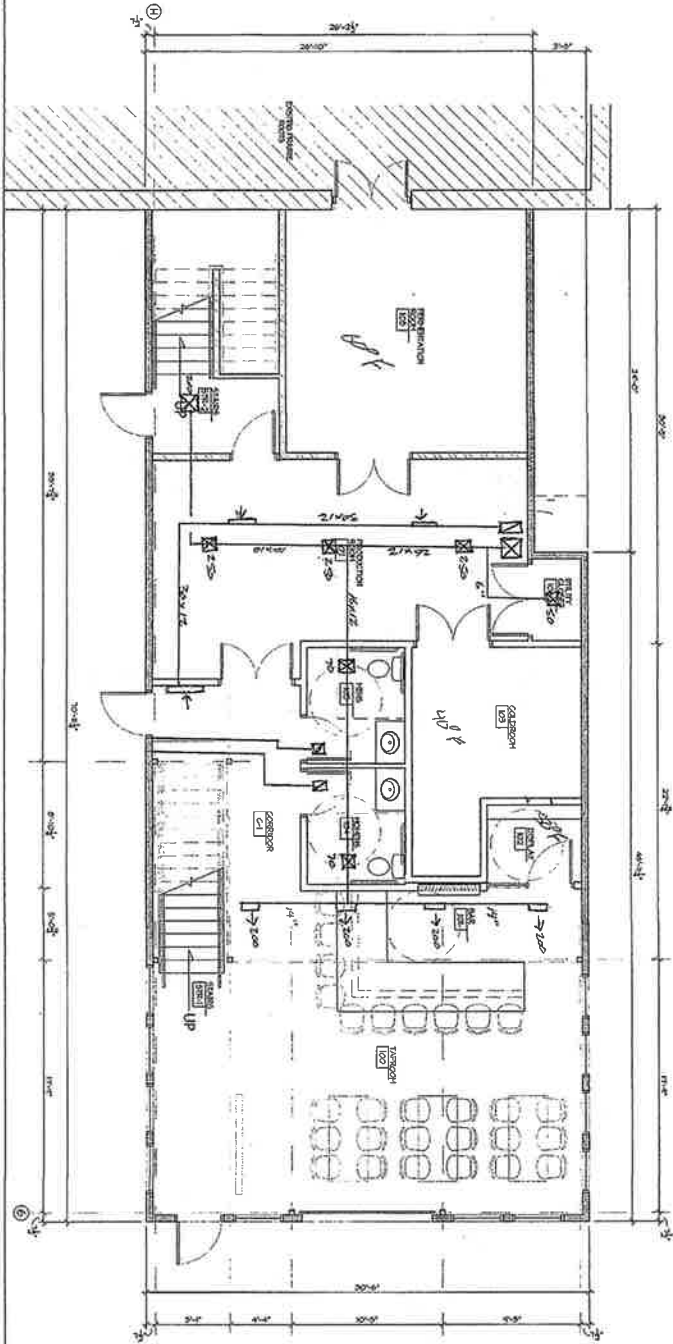
Name: Breecce Jo Hennings Walkin
(first) (middle) (last) (maiden name)

Address: 1137 1st St N Fargo ND 58102
(address) (city) (state & zip)

Home phone number: (701) 3061064 Other number (701) 2007445

Date of Birth: 5/1/87 Place of Birth: Fargo ND

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



NOT FOR CONSTRUCTION

Job Number:
2017.03

Sheet Name:
OVERALL FLOOR PLANS

Sheet Number:
A1.1

Date:
JANUARY, 2017

Revision Date:

Drawn By:
TL, KS

Location:
**1213 NP AVENUE
FARGO, ND 58102**

WILDTERRA CIDER & BREWING
1213 NP AVENUE
FARGO, ND 58102

FIRST FLOOR PLAN

SHEET A1.1 - FIRST FLOOR PLAN

GENERAL NOTES:

1. ALL DIMENSIONS ARE FROM FACE OF EXISTING UNLESS NOTED.
2. ALL NEW WORK SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
3. ALL EXISTING WORK SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE FROM FACE OF EXISTING UNLESS NOTED.
5. ALL DIMENSIONS ARE FROM FACE OF EXISTING UNLESS NOTED.
6. ALL DIMENSIONS ARE FROM FACE OF EXISTING UNLESS NOTED.

SHEET A1.1 - FIRST FLOOR PLAN NOTES:

1. 2000
2. 2000
3. 2000
4. 2000
5. 2000
6. 2000

SECOND FLOOR PLAN

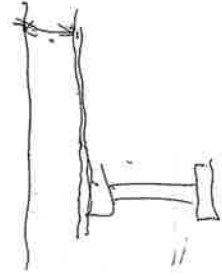
SHEET A1.1 - SECOND FLOOR PLAN

GENERAL NOTES:

1. ALL DIMENSIONS ARE FROM FACE OF EXISTING UNLESS NOTED.
2. ALL NEW WORK SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
3. ALL EXISTING WORK SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE FROM FACE OF EXISTING UNLESS NOTED.
5. ALL DIMENSIONS ARE FROM FACE OF EXISTING UNLESS NOTED.
6. ALL DIMENSIONS ARE FROM FACE OF EXISTING UNLESS NOTED.

SHEET A1.1 - SECOND FLOOR PLAN NOTES:

1. 2000
2. 2000
3. 2000
4. 2000
5. 2000
6. 2000



STROH
ARCHITECTS & INTERIORS

8 SEVENTH ST. N.
FARGO, ND 58102
PHONE (701) 239-4158
FAX (701) 239-9445
WWW.STROH.COM

Project: **WILDTERRA CIDER & BREWING**

Operational and Financial Issues

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

(Use additional pages if necessary)

We at Wild Terra want to promote the craft cider movement and educate customers on what hard cider is and can be. We plan to brew our own house cider but as a way to further explore cider varieties serve other regional and non- domestic ciders. Additionally we plan to also serve wine, mead and the incidental beer tap. Our atmosphere will have a more “typical” brewery feel on the first floor and on the second floor we will have more of a lounge area, with velvet and leather seating. As this type of business is the first in the state we will spend a lot of our time educating customers on what ciders fit their taste. We plan on having a “cider school” as well where customers can see the production room, hear a quick historical lecture from Ethan and have a sample flight.

We believe we are a wonderful fit for the neighborhood, being next to Prairie Roots is going to be great as they promote local food and we are going to promote local cider and wine products. We will be a great asset to the growing residential neighborhood as a clean, welcoming, fun and relaxing establishment.

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

(Use additional pages if necessary)

Over-serving, intoxicated or disorderly patrons:

All of our servers will be required to attend the liquor serving class. We at Wild Terra want to be proactive and not reactive. So once we notice a person *might* be heading towards the above attributes, a staff member will immediately notify a manager. Then the manager will review the customers past consumption and closely watch the person’s behavior and assess the situation. If the customer asks for another beverage or becomes disorderly, the manager will then advise the customer that we can no longer serve them but would be happy to provide water or a small plate of food and ask if the customer has arrangements to safely arrive at their residence. If the customer becomes disorderly the manager will advise them this behavior is not tolerated at Wild Terra and he/she must refrain from continuing or must leave. If in any instance this person becomes dangerous to his/her self or to others a police dispatcher will be called to assist.

Safety and security issues, including crowd control:

There are 3 doors total but only one entrance will be available and unlocked for customers. We will have an alarm system and security cameras on the premises. Through our POS system we can monitor how many patrons we are serving. If the house manager notices that the tables and bar are beginning to get close to capacity, the manager will then closely monitor the outgoing and incoming patrons. If capacity is reached a sign will be placed on the door that due to capacity there is a wait. The manager will then manage the capacity and seating for the duration of the night or until it slows down. In regards to safety, servers and managers will be trained to be mindful of customer’s behavior and suspicious activity if anything is noticed or found to be potentially harmful, the police dispatcher will be contacted.

Minors on the premises, including consumption by minors:

We will have signs posted stating no minors allowed. Additionally all of our servers will be aware of our policy at Wild Terra to check IDs regardless of assumed age.

Noise concerns, especially from nearby residences of other businesses:

We want all of our patrons and the surrounding community to feel respected and comfortable. If any person has a concern we will act quickly to alleviate any issues.

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

We plan on at most once a week having live music on the 2nd floor. We envision this to be just one or two persons at time and acoustic.



NOTICE OF HEARING
ON SPECIAL ASSESSMENTS FOR
MAINTENANCE OF SKYWAY SYSTEM

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for maintenance of the Skyway System on Monday, September 25, 2017, at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to September 25, 2017, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.

City Auditor's Office

(August 21 & August 28, 2017)



City of Fargo Staff Report			
Title:	Reeves Addition	Date:	08/29/17
		Update:	09/15/17
Location:	502 University Drive North & 1321 5th Avenue North	Staff Contact:	Derrick LaPoint
Legal Description:	Lots 1-6, 7-9, and 19-24, Block 6, Reeves Addition		
Owner(s)/Applicant:	DFI AU LLC/Mike Zimney	Engineer:	N/A
Entitlements Requested:	Zoning Change (from GC, General Commercial to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay)		
Status:	City Commission Public Hearing: September 25, 2017		

Existing	Proposed
Land Use: Vacant	Land Use: Residential
Zoning: GC, General Commercial	Zoning: DMU, Downtown Mixed-Use with a C-O, Conditional Overlay
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.	Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events. C-O: Later determination of the east setback through structural analysis and site accommodations to provide on-site storm water retention.
Maximum Building Coverage Allowed: 85%	Maximum Building Coverage Allowed: No maximum

Proposal:

The applicant is seeking a zoning change from GC, General Commercial to DMU, Downtown Mixed-Use, with a C-O, Conditional Overlay, on part of Lots 1-6, 7-9, and 19-24, Block 6, Reeves Addition. The subject properties are located at 502 University Drive North and 1321 5th Avenue North. The applicant is proposing to develop an affordable housing project on the vacant lot.

The applicant first approached staff to discuss the project and the process of obtaining state low income housing tax credits. The applicant inquired about the DMU zoning district and their location would be an appropriate area for DMU. Through past cases and previous downtown area planning, it has been determined that Planning staff would be supportive of DMU zoning request one-block west of University Drive.

Two primary concerns were brought up through the preliminary site plan coordination meeting.

First, Public Works and the Engineering Department shared concerns with the buildings proximity to the retaining wall on the east side of the property adjacent to University Drive. The retaining wall is owned by the Department of Transportation (DOT) but is maintained by the City of Fargo. If the DMU zoning change were approved the building could be built on the property line adjacent to the wall with no setback. It was suggested that the GC, General Commercial, setback of 20-feet remain on the east property line until further structural analysis is conducted to determine if that setback should greater or less than 20-feet.

Second, Public Works and the Engineering Department shared concerns with the existing storm water utilities

servicing the property. The existing storm water utility and railroad owned lift station (north of the subject location) are at full capacity and cannot accommodate further development. If the DMU zoning change were approved the property would be exempt from storm water retention requirements. Language has been added to the C-O, Conditional Overlay, that the applicant shall not obtain a building permit until the City of Fargo and the applicant have an approved agreement for a storm water management plan, which may require the applicant to meet the storm water requirements of the existing GC, General Commercial, zoning district.

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial with vacant land and BNSF uses;
- East: Across University Avenue North, LI, Limited Industrial with light manufacturing use;
- West: GC, General Commercial with warehouse and office uses;
- South: Across 5th Avenue North, GC, General Commercial and LC, Limited Commercial with restaurant and warehouse uses.

Area Plans:

No area plans apply to the subject location.

Schools and Parks:

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

Parks: Unicorn Park (1603 3rd Avenue N) is located approximately less than 1/4 mile west of the subject property and offers multipurpose field, grill, basketball, picnic table, playground, and recreational trails amenities.

Pedestrian / Bicycle: On road bike facilities are located along University Drive North. These facilities are a component of the metro area trail system.

Staff Analysis:

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
 Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant has a new vision of the type of development for the property. Also, through area planning efforts and previous downtown plans, staff determined that the properties west of University Avenue could support the land use mix that DMU zoning allows for, including more residential uses downtown to support campus and downtown living. Through staff analysis, it was determined that the subject location would be an appropriate area for the DMU zoning district to expand.
(Criteria Satisfied)

2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**
 The attached C-O, Conditional Overlay, notes that an approved storm water management plan or a developers agreement must be obtained prior to receiving a building permit. If an agreement is approved, the development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal.
(Criteria Satisfied)

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

Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zone change is in keeping with adopted plans. In addition, written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any verbal concerns or written comments regarding the proposed overlay zoning change. In addition, staff held an open house meeting for the surrounding property owners on August 22nd. Two individuals attended the meeting. The property owners inquired about the development plans. After the explanation, the property owners did not have any concerns with the proposed zoning change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

In summary, staff is recommending approval with the following conditions:

1. Minimum setback on the east side of the property of 20 feet
 - a. The setback may be greater or less than 20 feet if a structural assessment is approved by the North Dakota Department of Transportation and City of Fargo.
 - b. The setback is intended to preserve the integrity of the existing retaining wall along the west side of University Drive.
2. With the existing storm water infrastructure and the transition from pervious to impervious, a building permit shall not be issued until the City of Fargo and the applicant have an approved agreement for a storm water management plan, which may require meeting the storm water requirements for GC.

Planning Commission Recommendation: September 5, 2017

On September 5, 2017, with a 8-1 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed zoning change from GC, General Commercial to DMU, Downtown Mixed-Use, with a C-O, Conditional Overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC with the following conditions:

1. Minimum setback on the east side of the property of 20 feet
 - a. The setback may be greater or less than 20 feet if a structural assessment is approved by the North Dakota Department of Transportation and City of Fargo.
 - b. The setback is intended to preserve the integrity of the existing retaining wall along the west side of University Drive.
2. With the existing storm water infrastructure and the transition from pervious to impervious, a building permit shall not be issued until the City of Fargo and the applicant have an approved agreement for a storm water management plan, which may require meeting the storm water requirements for GC.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission, and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the rezoning Ordinance on first reading, and move to approve the proposed zoning change from GC, General Commercial to DMU, Downtown Mixed-Use, with a C-O, Conditional Overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC with the following conditions:

1. Minimum setback on the east side of the property of 20 feet
 - a. The setback may be greater or less than 20 feet if a structural assessment is approved by the North Dakota Department of Transportation and City of Fargo.

- b. The setback is intended to preserve the integrity of the existing retaining wall along the west side of University Drive.
2. With the existing storm water infrastructure and the transition from pervious to impervious, a building permit shall not be issued until the City of Fargo and the applicant have an approved agreement for a storm water management plan, which may require meeting the storm water requirements for GC.

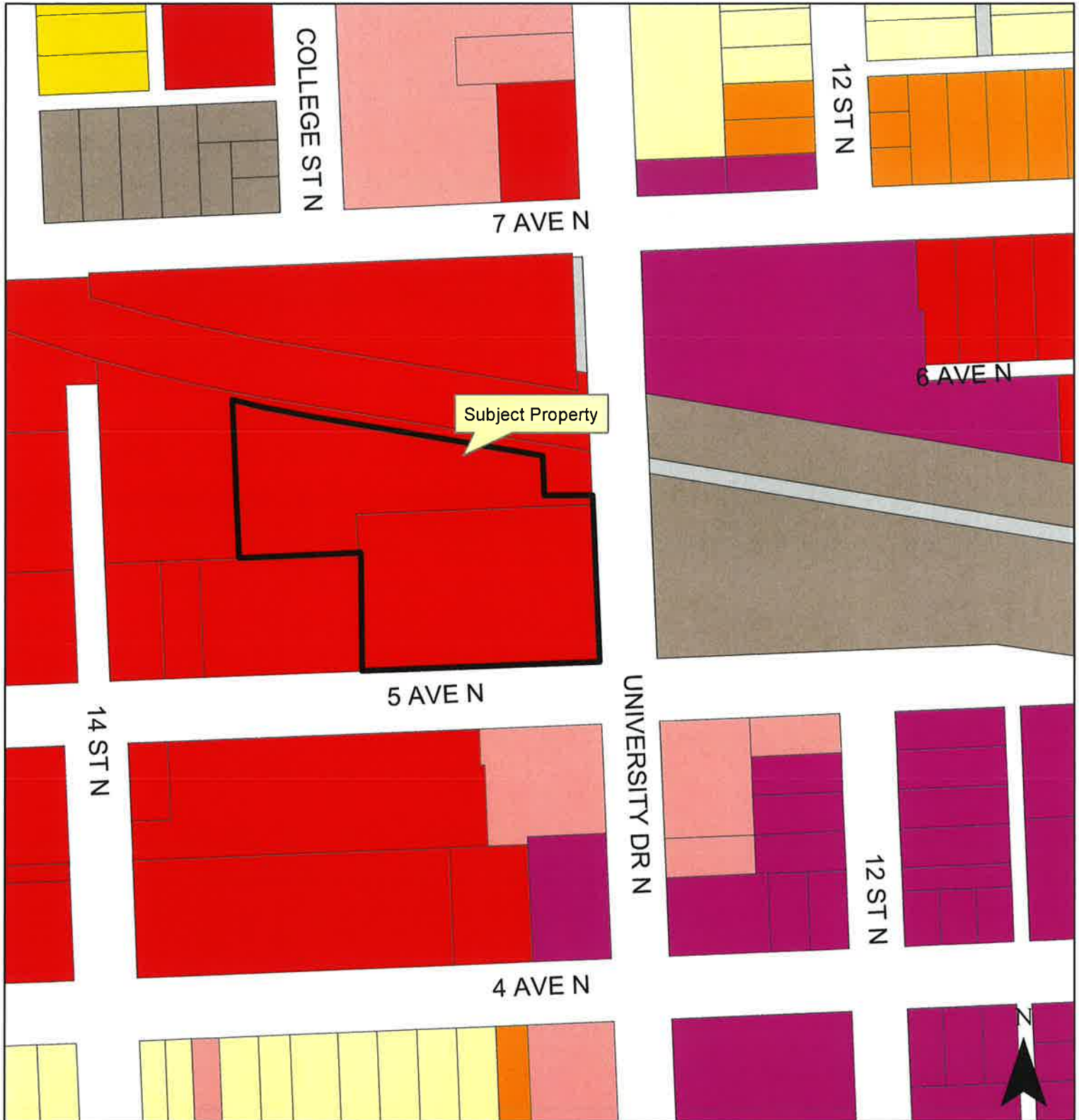
Attachments:

1. Zoning Map
2. Location Map
3. Draft C-O, Conditional Overlay

Zone Change (GC to DMU)

502 N University Dr &
1321 5th Avenue North

Reeves Addition



Legend

AG	LC	MHP	SS-2
DD	MM	NC	SS-1
DM	RR-1	NO	SS-0
GO	RR-2	PL	SS-3
GO	RR-3	UM	City Limits

300



Fargo Planning Commission

September 5, 2017

Zone Change (GC to DMU)

Reeves Addition

502 N University Dr &
1321 5th Avenue North



Section 1. The following described property:

Portions of Lots 1-6, 7-9 & 19-24, Block 6, Reeves Addition

is hereby rezoned from “GC”, General Commercial, District to “DMU”, Downtown Mixed-Use, District with a “CO”, Conditional Overlay, District as follows:

1. Minimum setback on the east side of the property of 20 feet
 - a. The setback may be greater or less than 20 feet if a structural assessment is approved by the North Dakota Department of Transportation and City of Fargo.
 - b. The setback is intended to preserve the integrity of the existing retaining wall along the west side of University Drive.
2. With the existing storm water infrastructure and the transition from pervious to impervious, a building permit shall not be issued until the City of Fargo and the applicant have an approved agreement for a storm water management plan, which may require meeting the storm water requirements for GC.

4802

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN
PARCELS OF LAND LYING IN REEVES ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

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

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

WHEREAS, the rezoning changes were approved by the City Commission on September 25, 2017,

NOW, THEREFORE,

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

Section 1. The following described property:

All of Lots Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23) and Twenty-four, inclusive, and the Southerly 40.0 feet of Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6), all in Block Six (6) of Reeve's Addition to Fargo, Cass County, North Dakota, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said county, together with all of the 20 foot wide East-West alley in said Block Six (6) lying contiguous to said Lots;

and,

That part of Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6), all of Lots Seven (7), Eight (8) and Nine (9) and that part of the vacated alley, all in Block Six (6), Reeve's Addition to the City of Fargo, according to the recorded plat thereof on file and of record in the office of the Recorder, Cass County, North Dakota, and that part of vacated 6th Avenue North lying north of said Block Six (6), described as follows:

Commencing at an iron monument which designates the southeast corner of said Block Six (6); thence North 02 degrees 25 minutes 39 seconds West on an assumed

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 bearing along the east line of said Block Six (6) for a distance of 200.00 feet to an
2 iron monument at the northeast corner of a certain tract of land as described in Quit
3 Claim Deed Document #964352, recorded September 6, 2000, on file and of record
4 in the office of said Recorder, the point of beginning of the land to be described;
5 thence continuing North 02 degrees 25 minutes 39 seconds West along the east line
6 of said Block Six (6) for a distance of 11.85 feet to an iron monument; thence North
7 89 degrees 59 minutes 43 seconds West for a distance of 60.49 feet to an iron
8 monument; thence North 02 degrees 26 minutes 57 seconds West for a distance of
9 50.40 feet to an iron monument on a line 50.00 feet southerly of the centerline of the
10 railroad tracks of the Burlington Northern Santa Fe Railroad, as measured at a right
11 angle to and parallel with said railroad tracks; thence North 80 degrees 17 minutes
12 53 seconds West along said line 50.00 feet southerly of and parallel with said
13 railroad tracks for a distance of 262.72 feet to an iron monument; thence continuing
14 northwesterly along said line 50.00 feet southerly of and parallel with said railroad
15 tracks, on a tangential curve concave to the north having a radius of 2914.93 feet
16 and a central angle of 02 degrees 41 minutes 28 seconds for an arc distance of
17 136.91 feet to an iron monument on the northerly extension of the west line of said
18 Lot Nine (9); thence South 02 degrees 21 minutes 15 seconds East along said
19 northerly extension of the west line of said Lot Nine (9), the west line of said Lot
20 Nine (9) and the southerly extension of the west line of said Lot Nine (9) for a
21 distance of 201.30 feet to an iron monument on the centerline of the vacated alley in
22 said Block Six (6); thence North 87 degrees 39 minutes 03 seconds East along the
23 centerline of said vacated alley for a distance of 150.23 feet to an iron monument on
the west line of said tract of land as described in Quit Claim Deed document
#964352; thence North 02 degrees 22 minutes 43 seconds West along the west line
of said tract of land for a distance of 50.00 feet to an iron monument at the
northwest corner of said tract of land; thence North 87 degrees 39 minutes 03
seconds East along the north line of said tract of land for a distance of 300.42 feet to
the point of beginning.

is hereby rezoned from “GC”, General Commercial, District to “DMU”, Downtown Mixed-Use,
District; with a “C-O”, Conditional Overlay as follows:

1. Minimum setback on the east side of the property of 20 feet unless the property owner, at property owner’s expense, obtains a structural assessment and professional opinion from a North Dakota licensed professional engineer that will support a reduced setback from a structural perspective to a reasonable factor of

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

safety and said proposed reduction of setback is approved by the City Zoning Administrator.

1 2. All development must comply with stormwater management requirements for a
2 GC, General Commercial, Zoning District, including stormwater retention
3 facilities unless an alternative stormwater management plan is proposed that is
4 acceptable to the City and approved by the board of City Commissioners.

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

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

9
10 _____
11 Timothy J. Mahoney, Mayor

12 (SEAL)

13 Attest:

14 _____
15 Steven Sprague, City Auditor
16
17
18
19
20
21
22
23

First Reading:
Second Reading:
Final Passage:

48f

City of Fargo Staff Report			
Title:	LDC Text Amendment	Date:	8-28-2017
		Update:	9-18-2017
Location:	N/A	Staff Contact:	Derrick LaPoint
Owner(s)/Applicant:	City of Fargo/Zoning Administrator	Engineer:	N/A
Entitlements Requested:	LDC Text Amendment (Amending Section 20-04 of the Fargo Municipal Code (Land Development Code) relating to the regulation of self-service storage in the DMU, Downtown Mixed Use, zoning district.		
Status:	City Commission Public Hearing: September 25, 2017		

Proposed Text Amendment
<p>The city staff is seeking approval of a text amendment to Table 20-0401 and Section 20-0402(J.2) of the Fargo Municipal Code (Land Development Code) relating to self-service storage in the DMU, Downtown Mixed Use, zoning district.</p> <p><u>Background:</u> Staff has received a number of inquiries from property owners in downtown Fargo on potential land uses for the basements of existing businesses. A common request is owners seeking to have rentable storage in the otherwise undevelopable basement. Due to the large growth of residential in our downtown core and the lack of garages or areas for personal storages, there has been a growing need for more self-service storage in the downtown. The proposed text amendment would allow for property owners to develop self-service storage areas and rent them to individuals in need of extra storage. The text amendment would not allow for the storage of chemicals or other harmful materials. In addition, the proposed text amendment would not allow for a structure to be fully converted or built as a self-service storage building. The intent is for the storage to be accessory to a commercial or residential use and contained to a limited area.</p> <p>These specific amendments to the LDC are shown in the attached draft ordinance document.</p>
Staff Analysis:
<p>In accordance with §20-0904.E Review Criteria of the Land Development Code, proposed text amendments that satisfy all of the following criteria may be approved.</p> <ol style="list-style-type: none"> <p>1. The amendment must be consistent with the purpose of this Land Development Code; Section 20-0104 of the LDC stipulates that the purpose and intent of the Land Development Code is to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. The proposed amendment is consistent with the intent and purpose of the LDC as it is intended to allow property owners with additional flexibility to fully utilize their building. The proposed text amendment would not allow for a structure to be fully converted or for new construction of a self-service storage building. The intent is for the storage to be accessory to a commercial or residential use and contained to a limited area. Specific use standards as defined by Section 20-0402 would provide regulations to control these factors. Self-service storage is already a defined land use in the Section 20-0402, use standards “J”. (Criteria Satisfied)</p> <p>2. The amendment must not adversely affect the public health, safety, or general welfare; Staff finds that the amendment does not adversely affect the public health, safety, or general welfare. The proposed amendment is intended to be accessory to a commercial and residential use. In addition, further regulations would prohibit the storage of chemicals and other harmful materials. (Criteria Satisfied)</p>

3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected.

Staff finds that the proposed amendment is necessary because of changing social and economic conditions. Staff finds that containing the self-service storage to the basement and accessory to the primary structure and primary use of the site will not negatively impact the surrounding properties.

(Criteria Satisfied)

20-0402.J. Self-Service Storage

1. ...Existing language as currently drafted in the code (see attachment)
2. Within the DMU, Downtown Mixed Use, zoning district self-service storage shall be allowed under the following conditions:
 - a. The self-service storage is located in the basement of the structure.
 - b. Storage of chemicals or other harmful materials are prohibited.

Planning Commission Recommendation: September 5, 2017

On September 5, 2017, with a 9-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed text amendment to Table 20-0401 and Section 20-0402(J.2) of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of §20-0904.E(1-3) of the LDC."

Staff Recommendation:

Suggested Motion "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the Ordinance on first reading, and move to approve the proposed text amendment to Table 20-0401 and Section 20-0402(J.2) of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of §20-0904.E(1-3) of the LDC."

Attachments:

1. Draft LDC Text Amendment Ordinance

AN ORDINANCE AMENDING SECTIONS
20-0401 and 20-0402 OF ARTICLE 20-04 OF CHAPTER 20 OF THE
FARGO MUNICIPAL CODE RELATING TO USE REGULATIONS
AND SELF-SERVICE STORAGE

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

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

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

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

NOW, THEREFORE,

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

Section 1. Amendment.

Section 20-0401 of Article 20-04 of Chapter 20 of the Fargo Municipal Code is hereby amended to change the Use for DMU category from “not permitted by right” to allow self-storage in the DMU zoning district as a P/C under use specific conditions as set forth in Section 20-0402(J), and, thus, said Section 20-0401 is amended to read as follows:

[Remainder of page intentionally left blank]

Article 20-04

Use Regulations

§20-0401 Use Table

Table 20-0401 lists the uses allowed within zoning districts.

A. Use Categories

All of the use categories listed in Table 20-0401 are explained in Sec. 20-1203. The second column of the use table contains an abbreviated explanation of the respective use category. If there is a conflict between the abbreviated definition and the full explanation contained in Sec. 20-1203, the provisions of Sec. 20-1203 will control.

B. **P** Uses Permitted By-Right

A “P” indicates that a use category is allowed by-right in the respective zoning district. These permitted uses are subject to all other applicable regulations of this Land Development Code.

C. **C** Conditional Uses

A “C” indicates that a use category is allowed only if reviewed and approved as a Conditional Use, in accordance with the Conditional Use review procedures of Sec. 20-0909. Conditional Uses are subject to all other applicable regulations of this Land Development Code.

D. **/C** Uses Subject to Specific Conditions

A “P” or a “C” that is accompanied by the symbol “/C” indicates that the listed use type is subject to use-specific conditions. The standards are listed alphabetically in Sec. 20-0402.

E. **-** Uses Not Allowed

A “-” indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Land Development Code.

F. New or Unlisted Uses

If an application is submitted for a use type that is not listed in the use table, the Zoning Administrator shall be authorized to make a similar use interpretation based on the use category descriptions of Sec. 20-1203 and the similar use interpretation criteria of Sec. 20-1203-B. If the Zoning Administrator determines that the proposed use does not fit any of the use category descriptions of Sec. 20-1203, no similar use interpretation shall be made. In the event that a similar use interpretation cannot be made, the Zoning Administrator shall be authorized to allow the proposed use type as a conditional use in the LI district or as a use permitted by-right in the GI district.

Table 20-0401

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																																							
			A	S	S	S	S	S	S	S	S	S	S	S	S	S	S																									
			G	R	0	1	2	3	4	5	1	2	3	2	1	M	U	M	H	P	O	N	C	O	G	L	C	D	M	U	G	L	C	P	I							
Residential																																										
Household Living	residential occupancy of a dwelling unit by a "household"	House, Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	C	-	-	-	-	-	-				
		House, Attached	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
		Duplex	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
		Multi-Dwelling Structure	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
		Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Group Living	residential occupancy of a structure by a group of people who do not meet the definition of "Household Living"		C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	P/C [E]	P/C [E]	P/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]		
			C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	P/C [E]	P/C [E]	P/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]		
Bed and Breakfast	A facility of residential character that provides sleeping accommodations and breakfast		C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	
Group Living Restricted Residency	Residential occupancy of a structure by a group of four or more individuals that have been convicted of a felony		-	-	-	-	-	-	-	-	-	-	-	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	
Institutional																																										
College	colleges and institutions of higher learning		C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P/C [G]	P/C [G]	
Community Service	public, nonprofit, or charitable uses, generally providing a local service to the community		C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	C/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [C]	P/C [G]

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																				
			A G	S R 0	S R 1	S R 2	S R 3	S R 4	S R 5	M R 1	M R 2	M R 3	U M U	M H P	N O C	N O C	G O C	L C U	D M U	G C U	L I U	P I U	
Day Care	care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day	1-7 children or adults ^[1]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [G]	
		8-12 children or adults ^[1]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [G]
		13+ children or adults	-	-	-	-	-	-	-	C/C [D]	C/C [D]	C/C [D]	C/C [D]	C/C [D]	C/C [D]	C/C [D]	C/C [D]	C/C [D]	C/C [D]	C/C [D]	C/C [D]	P/C [G]	
Detention Facilities	facilities for the detention or incarceration of people		C	-	-	-	-	-	C	C	C	C	-	-	-	-	C	C	C	P	P	P/C [G]	
Health Care Facility	medical or surgical care to patients, with overnight care		C	C	C	C	C	C	C	C	C	C	C	-	-	-	P	P	P	P	P	P/C [G]	
Parks and Open Areas	natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P/C [G]	
Religious Institution	Meeting area for religious activities	500 seating capacity	C/C [T]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P/C [G]
		501+ seating capacity	C/C [T]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P	P	P	P	P	P	P	P	P	P/C [G]
Safety Services	public safety & emergency response services		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P/C [G]
Schools	schools at the primary, elementary, middle,		-	P/C [U]	P/C [U]	P/C [U]	P/C [U]	P/C [U]	P/C [U]	P/C [U]	P/C [U]	P/C [U]	C	-	-	-	C	C	C	C	C	P/C [G]	

[1.] Not including the children or parents of the day care provider.

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																						
			A G	S R 0 1	S R 1 2	S R 2 3	S R 3 4	S R 4 5	M R 1	M R 2	M R 3	U M U	M H P	N O	N C	G O	L C	D M U	G C U	L I	P I				
Utilities, Basic	junior high, or high school level																								
Utilities, Basic	infrastructure services that need to be located in or near the area where the service is provided		P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [G]
Commercial																									
Adult Entertainment Center	an adult bookstore, adult cinema or adult entertainment facility		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Office	Activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]
Off-Premise Advertising Signs	Billboard		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Parking, Commercial	parking that is not accessory to a specific use...fees may or may not be charged		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]
Recreation and Entertainment, Outdoor	large, generally commercial uses that provide continuous recreation or entertainment oriented activities		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]
Retail Sales and Service	firms involved in the sale, lease or rental of new or used products to the general public...they may also provide personal services or entertainment, or provide product repair or services for consumer and		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																						
			A G	S R 0	S R 1	S R 2	S R 3	S R 4	S R 5	M R 1	M R 2	M R 3	U M U	M H P	N O C	N O C	G O	L C	D M U	G C	L I	G I	P I		
Self-Service Storage	business goods uses providing separate storage areas for individual or business uses		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [J]	P						
Vehicle Repair	service to passenger vehicles, light & medium trucks & other consumer motor vehicles, generally, the customer does not wait at the site while the service or repair is being performed		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [L]	P						
Vehicle Service, Limited	direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [M]	P						
Non-farm Commercial	Commercial Uses defined in Section 20-1203D occurring in AG, Agricultural Districts		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
Industrial Service	firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
Manufacturing and Production	firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
Warehouse	firms involved in the		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																					
			A G	S R 0	S R 1	S R 2	S R 3	S R 4	S R 5	M R 1	M R 2	M R 3	U M P	U M H	N O	N C	G O	L C	D M U	G C	L I	G I	P I	
Use and Freight Movement	storage, or movement of goods																		[R]				[G]	
Waste-Related Use	uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]	
Wholesale Sales	firms involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C/C [R]	C	P	-	-	
Other																								
Agriculture	raising, producing or keeping plants or animals	Animal Confinements	C	[2]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P/C [G]
		Farming/Crop Production	P	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Aviation	facilities for the landing and takeoff of flying vehicles, including loading and unloading areas		C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P	P/C [G]	
Surface Transportation			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P	P/C [G]	
Entertainment Event, Major	activities & structures that draw large numbers		C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	P/C [G]	

[2] In SR-0 districts, animal confinements are either permitted or a conditional use, subject to procedures of Sec. 20-0909, as described in Sec. 20-1203.C.2.b.

		Zoning Districts																							
Use Category	Definition (Excerpt; See Sec. 20-1203)	A	S	S	S	S	S	S	S	S	M	M	M	U	M	N	N	N	G	L	D	G	L	G	P
	Specific Use Type	R 0	R 1	R 2	R 3	R 4	R 5	R 1	R 2	R 3	R 2	R 3	M U	M H P	N O C	N O C	N O C	G O	L C	D M U	G C U	L C I	G C I	L C I	P I
Mining	of people to specific events or shows mining or extraction of mineral or aggregate resources from the ground for off-site use	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Telecom- munications Facilities	TSS 125 feet in height or less	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]
	TSS greater than 125 ft in height	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C/C [N]	C/C [N]	C/C [N]	-
	TSS 50 ft in height or less	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]
	TSS 35 ft in height or less	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]
	TSSs supported by Guy wires	C/C [N]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Attached	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																				
			A	S	S	S	S	S	S	S	M	M	M	U	M	N	N	G	L	D	G	L	P
		Telecom-munications facilities	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]	[N]

P = Use Permitted By-Right ■ P/C = Use Permitted By-Right But Subject to Use-Specific Standards of Sec. 20-0402
 C = Conditional Use, Subject to Procedures of Sec. 20-0909 ■ Some uses also Subject to Site Plan Review (Sec. 20-0910) or to a Traffic Impact Study as required by Sec. 20-0701(L) ■
 C/C = Conditional Use And Subject to Use-Specific Standards of Sec. 20-0402

Section 2. Amendment.

Section 20-0402 of Article 20-04 of Chapter 20 of the Fargo Municipal Code is hereby amended to read as follows:

* * *

§20-0402 Use Standards

- A. * * *
- B. * * *
- C. * * *
- D. * * *
- E. * * *
- F. * * *
- G. * * *
- H. * * *
- I. * * *

J. Self-Service Storage

1. All walls visible from the street shall be finished with architectural materials such as brick, glass, stone, ceramic, stucco, precast panels, exterior insulation finish systems (e.g. dryvit), or curtain walls. The following material shall not be used on walls that are visible from the street: metal panels; non-residential-grade metal siding; non-residential grade wood-based materials; non-residential grade composition materials, such as plastic or asphalt; concrete blocks or cinder blocks. Concrete block may be used only if it is burnished, standing flute or sculptured.

2. Within the DMU, Downtown Mixed Use, zoning district self-service storage shall be allowed under the following conditions:

- a. The self-service storage is located in the basement of the structure.
- b. Storage of chemicals or other harmful materials is prohibited.

* * * *

Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed \$1,000; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 4. Effective Date.

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

Timothy J. Mahoney, Mayor

Attest:

Steven Sprague, City Auditor

(SEAL)

First Reading:
Second Reading:
Final Passage:
Publication:

4871

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____
AN ORDINANCE AMENDING SECTIONS
20-0401 and 20-0402 OF ARTICLE 20-04 OF CHAPTER 20 OF THE
FARGO MUNICIPAL CODE RELATING TO USE REGULATIONS
AND SELF-SERVICE STORAGE

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

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

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

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

8 NOW, THEREFORE,

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

10
11 Section 1. Amendment.

12 Section 20-0401 of Article 20-04 of Chapter 20 of the Fargo Municipal Code is
13 hereby amended to change the Use for DMU category from “not permitted by right” to allow
14 self-storage in the DMU zoning district as a P/C under use specific conditions as set forth in
Section 20-0402(J), and, thus, said Section 20-0401 is amended to read as follows:

15
16 **[Remainder of page intentionally left blank]**
17
18
19
20
21
22
23

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Article 20-04
Use Regulations

§20-0401 Use Table

Table 20-0401 lists the uses allowed within zoning districts.

A. Use Categories

All of the use categories listed in Table 20-0401 are explained in Sec. 20-1203. The second column of the use table contains an abbreviated explanation of the respective use category. If there is a conflict between the abbreviated definition and the full explanation contained in Sec. 20-1203, the provisions of Sec. 20-1203 will control.

B. P Uses Permitted By-Right

A “P” indicates that a use category is allowed by-right in the respective zoning district. These permitted uses are subject to all other applicable regulations of this Land Development Code.

C. C Conditional Uses

A “C” indicates that a use category is allowed only if reviewed and approved as a Conditional Use, in accordance with the Conditional Use review procedures of Sec. 20-0909. Conditional Uses are subject to all other applicable regulations of this Land Development Code.

D. /C Uses Subject to Specific Conditions

A “P” or a “C” that is accompanied by the symbol “/C” indicates that the listed use type is subject to use-specific conditions. The standards are listed alphabetically in Sec. 20-0402.

E. - Uses Not Allowed

A “-” indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Land Development Code.

F. New or Unlisted Uses

If an application is submitted for a use type that is not listed in the use table, the Zoning Administrator shall be authorized to make a similar use interpretation based on the use category descriptions of Sec. 20-1203 and the similar use interpretation criteria of Sec. 20-1203-B. If the Zoning Administrator determines that the proposed use does not fit any of the use category descriptions of Sec. 20-1203, no similar use interpretation shall be made. In the event that a similar use interpretation cannot be made, the Zoning Administrator shall be authorized to allow the proposed use type as a conditional use in the LI district or as a use permitted by-right in the GI district.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Table 20-0401

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																									
			A	S	S	S	S	S	M	M	M	U	M	H	P	N	N	O	C	G	L	D	G	L	G	P		
			G	R	R	0	1	2	3	4	5	1	2	3	M	R	R	U	M	H	P	N	N	O	C	G	L	G
Household Living	residential occupancy of a dwelling unit by a "household"	House, Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
		House, Attached	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		Duplex	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		Multi-Dwelling Structure	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		Group Living	residential occupancy of a structure by a group of people who do not meet the definition of "Household Living"	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]
Bed and Breakfast	A facility of residential character that provides sleeping accommodations and breakfast		C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	
			C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]	C/C [S]
Group Living Restricted Residency	Residential occupancy of a structure by a group of four or more individuals that have been convicted of a felony		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
			C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]	C/C [U]
Institutional																												
College	colleges and institutions of higher learning		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Community Service	public, nonprofit, or charitable uses, generally providing a local service to the community		C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																						
			A G	S R 0	S R 1	S R 2	S R 3	S R 4	S R 5	M R 1	M R 2	M R 3	U M U	M H P	N O	N C	G O	L C	L C U	D M U	G C	L I	P I		
Day Care	care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day	1-7 children or adults ⁽¹⁾	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [G]	
		8-12 children or adults ⁽¹⁾	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [G]
		13+ children or adults	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]
Detention Facilities	facilities for the detention or incarceration of people		C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]	
Health Care Facility	medical or surgical care to patients, with overnight care		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P/C [G]	
Parks and Open Areas	natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P/C [G]	
Religious Institution	Meeting area for religious activities	500 seating capacity	C/C [I]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P/C [G]	
		501+ seating capacity	C/C [I]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [H]	P/C [G]
Safety Services	public safety & emergency response services		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P/C [G]	
Schools	schools at the primary, elementary, middle,		-	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [I]	P/C [G]	

[1] Not including the children or parents of the day care provider.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																				
			A G	S R 0 1	S R 1 2	S R 2 3	S R 3 4	S R 4 5	M R 1	M R 2	M R 3	U M U P	M H P	N O C	N O C	G O C	L C U	D M U	G C U	L I I	P I I		
Utilities, Basic	junior high, or high school level infrastructure services that need to be located in or near the area where the service is provided		P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]	P/C [K]
Commercial																							
Adult Entertainment Center	an adult bookstore, adult cinema or adult entertainment facility		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Office	Activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Off-Premise Advertising Signs	Billboard		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Parking, Commercial	parking that is not accessory to a specific use...fees may or may not be charged		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Recreation and Entertainment, Outdoor	large, generally commercial uses that provide continuous recreation or entertainment oriented activities		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail Sales and Service	firms involved in the sale, lease or rental of new or used products to the general public...they may also provide personal services or entertainment, or provide product repair or services for consumer and		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																					
			A G	S R 0	S R 1	S R 2	S R 3	S R 4	S R 5	M R 1	M R 2	M R 3	U M U	M H P	N O	N C	G O	L C	D M U	G C	L I	G I	P I	
Self-Service Storage	business goods uses providing separate storage areas for individual or business uses		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [L]	P/C [L]	P	P	-	-	-	-
Vehicle Repair	service to passenger vehicles, light & medium trucks & other consumer motor vehicles, generally, the customer does not wait at the site while the service or repair is being performed		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [L]	P/C [L]	P	P	-	-	-	-
Vehicle Service, Limited	direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [M]	P	P	P	-	-	-	-
Non-farm Commercial	Commercial Uses defined in Section 20-1203D occurring in AG, Agricultural Districts		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Industrial			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Service	firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufacturing and Production	firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Warehouse	firms involved in the		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																				
			A G	S R 0	S R 1	S R 2	S R 3	S R 4	S R 5	S S M R 1	M R 2	M R 3	U M U	M H P	N O	N C	G O	L C	D M U	G C U	L I	G I	P I
Use and Freight Movement	storage, or movement of goods																		[R]				[G]
Waste-Related Use	uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]
Wholesale Sales	firms involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C/C [R]	P	P	-
Other																							
Agriculture	raising, producing or keeping plants or animals	Animal Confinements	C	[2]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]
		Farming/Crop Production	P	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]
Aviation	facilities for the landing and takeoff of flying vehicles, including loading and unloading areas		C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]
Surface Transportation			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]
Entertainment Event, Major	activities & structures that draw large numbers		C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [G]

[2] In SR-0 districts, animal confinements are either permitted or a conditional use, subject to procedures of Sec. 20-0909, as described in Sec. 20-1203.C.2.b.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																			
			A G	S R 0	S R 1	S R 2	S R 3	S S R 4 5 1	M R R 2	M R R 3	U M U	M H P	N O	N C	G O	L C	D M U	G C	L I	G I	P I	
Mining	of people to specific events or shows mining or extraction of mineral or aggregate resources from the ground for off-site use		C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-	
Telecom- munications Facilities	devices and supporting elements necessary to produce non-ionizing electromagnetic radiation...operating...to produce a signal...	TSS 125 feet in height or less	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	
		TSS greater than 125 ft in height	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C/C [N]	C/C [N]	-
		TSS 50 ft in height or less	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	C/C [N]	P/C [N]
		TSS 35 ft in height or less	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]
		TSSs supported by Guy wires	C/C [N]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		Attached	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

OFFICE OF THE CITY ATTORNEY
 FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																																												
			A	S	S	S	S	S	S	S	M	M	U	M	N	N	G	L	D	G	L	P																									
		Telecom- munications facilities	R 0	R 1	R 2	R 3	R 4	R 5	R 1	R 2	R 3	M 3	M 2	M 1	S 1	S 2	S 3	S 4	S 5	M 1	M 2	M 3	U 1	U 2	U 3	U 4	U 5	N 1	N 2	N 3	N 4	N 5	G 1	G 2	G 3	G 4	G 5	L 1	L 2	L 3	L 4	L 5	P 1	P 2	P 3	P 4	P 5

P = Use Permitted By-Right ■ P/C = Use Permitted By-Right But Subject to Use-Specific Standards of Sec. 20-0402
 C = Conditional Use, Subject to Procedures of Sec. 20-0909 ■ Some uses also Subject to Site Plan Review (See Sec. 20-0910) or to a Traffic Impact Study as required by Sec. 20-0701(L) ■ C/C = Conditional Use -And Subject to Use-Specific Standards of Sec. 20-0402

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 2. Amendment.

Section 20-0402 of Article 20-04 of Chapter 20 of the Fargo Municipal Code is hereby amended to read as follows:

* * *

§20-0402 Use Standards

A. * * *

B. * * *

C. * * *

D. * * *

E. * * *

F. * * *

G. * * *

H. * * *

I. * * *

J. Self-Service Storage

1. All walls visible from the street shall be finished with architectural materials such as brick, glass, stone, ceramic, stucco, precast panels, exterior insulation finish systems (e.g. dryvit), or curtain walls. The following material shall not be used on walls that are visible from the street: metal panels; non-residential-grade metal siding; non-residential grade wood-based materials; non-residential grade composition materials, such as plastic or asphalt; concrete blocks or cinder blocks. Concrete block may be used only if it is burnished, standing flute or sculptured.

2. Within the DMU, Downtown Mixed Use, zoning district self-service storage shall be allowed under the following conditions:

a. The self-service storage is located in the basement of the structure.

b. Storage of chemicals or other harmful materials is prohibited.

* * * *

Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed \$1,000; the court to have power to suspend said sentence and to revoke the suspension thereof.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 4. Effective Date.

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

Timothy J. Mahoney, Mayor

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

(SEAL)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

489

MEMORANDUM

TO: Board of City Commissioners

FROM: Nicole Crutchfield, Planning Administrator *NC*

DATE: September 20, 2017

RE: Public Utility Easement Release & Relinquishment – Jerstad-Thompson First Subdivision

Attached, please find a Release and Relinquishment of Easement document intended to extinguish a portion of a public utility easement established by Plat (Jerstad-Thompson First Subdivision) on January 13, 1997. The easement does not contain any utilities and is unlikely to be needed in the future. The City of Fargo Engineering Department has reviewed the request and is recommending approval of the release and relinquishment.

Suggested Motion: "To accept the recommendations of staff and hereby move to approve the Reciprocal Release and Relinquishment of Easement resolution as presented."



RELEASE AND RELINQUISHMENT OF PUBLIC UTILITY EASEMENT

WHEREAS, a public utility easement was dedicated and established as a result of a Plat dated September 19, 1996, and recorded in the Office of the Recorder for Cass County, North Dakota on the 13th day of January, 1997, as document number 868417, which easement consisted of a five (5) foot wide easement lying adjacent to and north of the southerly boundary of the following described real property situate in the County of Cass and State of North Dakota:

Lots One (1) through Ten (10), Block Three (3), Jerstad-Thompson 1st Subdivision;
said easement to be referred herein as the "Public Utility Easement; and,

WHEREAS, Dean R. Slotten, a single man, is the owner of **Lots One (1), Two (2) and Three (3); Block Three (3), Jerstad-Thompson 1st Subdivision** [hereinafter the "*Subject Property*"] and Dean R. Slotten is also the owner of the real property adjacent to and immediately south of the *Subject Property*, which is situate in the County of Cass and State of North Dakota described as follows:

Lot One (1), Block One (1), Hager's First Addition,
[hereinafter referred to as the "*Adjacent Southerly Parcel*"]; and,

WHEREAS, based upon information and belief, there are no actual public utilities currently utilizing or accessing the Public Utility Easement lying within the *Subject Property*; and,


WHEREAS, Dean R. Slotten has requested that said Public Utility Easement be released and relinquished by the city of Fargo, a North Dakota municipal corporation to allow Dean R.

Slotten to construct a building and/or improvements upon his property which may encroach upon said easement and the city is willing to release any interest it may have in said easement,

NOW, THEREFORE, the City of Fargo, a North Dakota municipal corporation, and Dean R. Slotten, a single man, do hereby release, terminate and relinquish that portion of the Public Utility Easement lying with the **Subject Property** as depicted on the surveyor's certificate attached hereto as "Exhibit A."

It is the express intention of the CITY OF FARGO and of Dean R. Slotten to relinquish and release any and all right they, or either of them, have in the above-described property as shown on the plat of Jerstad-Thompson 1st Subdivision; provided; however, that the City makes no warranty as to title or interest and makes no warranty as to its authority to so release or relinquish the same.

IN WITNESS WHEREOF, the undersigned have signed and executed this release and relinquishment of easement the 19 day of Sept, 2017.

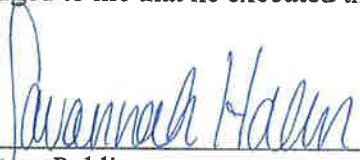


Dean R. Slotten

STATE OF NORTH DAKOTA)) ss
COUNTY OF CASS)

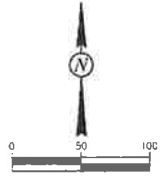
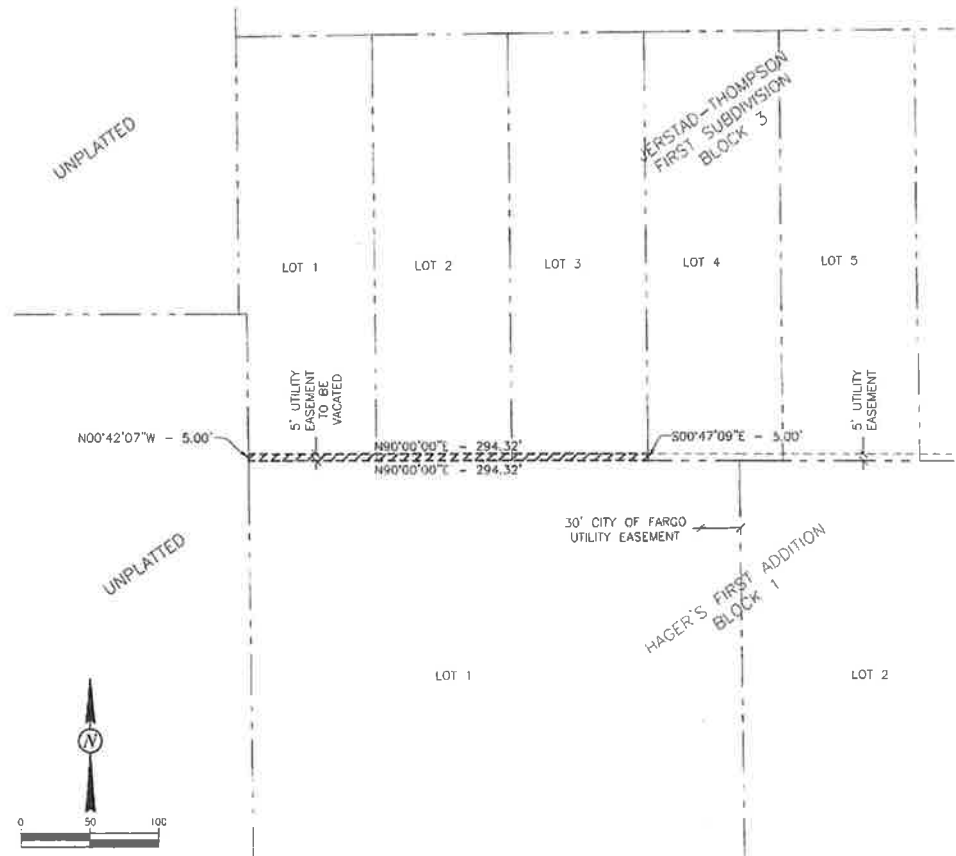
On this 19 day of September, 2017, before me, a notary public within and for said county and state, personally appeared Dean R. Slotten, to me known to be the person who executed the foregoing instrument, and acknowledged to me that he executed the same.

(SEAL) SAVANNAH HAHN
Notary Public
State of North Dakota
My Commission Expires Dec. 29, 2017



Notary Public
Cass County, North Dakota

UTILITY EASEMENT RELEASE & RELINQUISHMENT EXHIBIT
 PART OF LOTS 1, 2 & 3 OF JERSTAD-THOMPSON FIRST SUBDIVISION
 COUNTY OF CASS, STATE OF NORTH DAKOTA



DESCRIPTION

PART OF LOTS 1, 2 & 3 OF BLOCK 3 OF JERSTAD-THOMPSON FIRST SUBDIVISION, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 5.00 FEET OF LOTS 1, 2 & 3 OF THE JERSTAD-THOMPSON FIRST SUBDIVISION. SAID TRACT OF LAND CONTAINS ±1471 SQUARE FEET MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF SIGHT AND RECORD.



SURVEYORS CERTIFICATE

I, COLE A. NEŠET HEREBY CERTIFY THAT THIS SURVEY, PLAN, AND/OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

Cole A. Nešet
 COLE A. NEŠET
 LS-7513

9-19-17
 DATE

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - EX EASEMENT
- - - EX PROPERTY LINE
- - - NEW EASEMENT
- ▨ AREA TO BE RELEASED & RELINQUISHED



LAND SURVEYS

DRAWN BY: CWD
 CHECKED BY: CAN
 DATE: 06/19/17

© 2017 NESET SURVEYING & CONSULTING, INC. 2017-09-19 10:00 AM 10/10/17 10:00 AM 10/10/17 10:00 AM

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Project No. _____ Type: Release of Permanent Easement

Location: Jerstad-Thompson First Subdivision Date of Hearing: 8/7/2017

<u>Routing</u>	<u>Date</u>
City Commission	_____
PWPEC File	X
Project File	Brenda Derrig, Maegin Elshaug

The Committee reviewed a communication from Division Engineer, Brenda Derrig and Planner Maegin Elshaug, regarding an application for the release of permanent public utility easement by the owner.

The applicant has received communication from the private utility companies confirming that they have no interest within the easement and the City does not have any public utilities within the easement.

Staff is recommending approval.

On a motion by Tim Mahoney, seconded by Bruce Grubb, the Committee voted to recommend approval of the release of permanent easement.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve the release of permanent easement.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: N/A

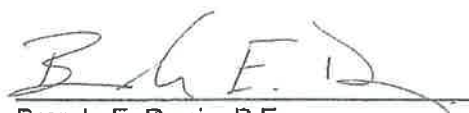
Developer meets City policy for payment of delinquent specials
 Agreement for payment of specials required of developer
 Letter of Credit required (per policy approved 5-28-13)

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

COMMITTEE

	Present	Yes	No	Unanimous
Tim Mahoney, Mayor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Gilmour, Director of Planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Steve Dirksen, Fire Chief	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mark Bittner, Director of Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Bruce Grubb, City Administrator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Ben Dow, Director of Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Steve Sprague, City Auditor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
City Engineer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brenda Derrig
Kent Costin, Finance Director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:


 Brenda E. Derrig, P.E.
 Division Engineer



ITEM 8

ENGINEERING DEPARTMENT

200 3rd Street North
 Fargo, North Dakota 58102
 Phone: (701) 241-1545
 Fax: (701) 241-8101
 E-Mail: feng@cityoffargo.com

MEMORANDUM

TO: Members of PWPEC

FROM: Brenda Derrig, Division Engineer *BED*
 Maegin Elshaug, Planner

DATE: August 2, 2017

RE: Reciprocal Release and Relinquishment of Easement – Jerstad-Thompson First Subdivision

Attached, please find a Reciprocal Release and Relinquishment of Easement application intended to extinguish a portion of a public utility easement established by Plat (Jerstad-Thompson First Subdivision) on October 11, 1996. The easement does not contain any utilities and is unlikely to be needed in the future. The City of Fargo Engineering Department has reviewed the request and is recommending approval of the release and relinquishment.

Staff has received confirmation from all utility providers that no utilities are present in the existing easement, including:

Sprint, 702, Consolidated Communications, Century Link, Cable One, NuStar, Cass County Electric, Magellan, Dakota Carrier Networks, Midco, AT&T and Xcel Energy.

Recommendation: Recommend approval of the Reciprocal Release and Relinquishment of Easement to the City Commission.

BED/klo
 Attachment

Street Lighting
 Sidewalks

Design & Construction
 Traffic Engineering

Truck Regulatory
 Flood Plain Mgmt.

Mapping & GIS
 Utility Locations

Reciprocal Release & Relinquishment of Easement

Jerstad-Thompson First Subdivision

2836 44 Ave N





PLANNING AND DEVELOPMENT

200 Third Street North
 Fargo, North Dakota 58102
 Phone: (701) 241-1474
 Fax: (701) 241-1526
 E-Mail: planning@cityof Fargo.com
www.cityof Fargo.com

APPLICATION FOR VACATION

We, the undersigned, do hereby submit an application to the Board of City Commissioners of the City of Fargo, North Dakota, to take such action as may be required by law of the City of Fargo to vacate the described subject property.

Property Owner Information
Name (printed): <u>Dean R. Slotten</u>
Address: <u>313 24th Ave N, Fargo</u>
Primary Phone: <u>701-793-1957</u>
Alternative Phone: _____
Fax: _____
Email: <u>primeplumbing@binternet.com</u>

Representation Information (primary contact)
Name (printed): <u>Andrew Thill</u>
Company: <u>Lowry Engineering</u>
Address: <u>1111 Westrac Dr. SR.108</u> <u>Fargo, ND 58103</u>
Primary Phone: <u>701-235-0199</u>
Alternative Phone: <u>651-324-5581</u>
Fax: <u>N/A</u>
Email: <u>athill@lowryeng.com</u>
<input type="checkbox"/> Same as property owner

Location of property involved in the application decision (if applicable)
Vacation of: <u>5' utility easement on south side of Lots 1, 2 & 3</u> <u>Block 3</u>
Address: <u>2836 44 Ave N Fargo, ND</u>
Legal Description (attach separate sheet if more space is needed): <u>Lots 1, 2 & 3 Block 3.</u> <u>Jerstad-Thompson First subdivision</u>

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

Owner (Signature): <u>[Signature]</u>	Date: <u>6/15/2017</u>
Representative (Signature): <u>[Signature]</u>	Date: <u>6/14/2017</u>

Note: A nonrefundable filing fee of \$600.00 is payable at the time of application submittal.

Signatures of Owners

Description of Property Owned
<u>vacant lots within</u>
<u>a developed subdivision.</u>



PLANNING AND DEVELOPMENT

**200 Third Street North
Fargo, North Dakota 58102**

Phone: (701) 241-1474

Fax: (701) 241-1526

E-Mail: planning@cityoffargo.com

www.cityoffargo.com

Application Checklist

- Preliminary Plat *N/A*
- Proposed Amenities Plan (Major Subdivisions only) *N/A*
- Title Opinion reflecting ownership by Applicant(s) *N/A*
- Receipt for paid-up taxes not reflected in Title Opinion *N/A*
- Communication regarding spread of Special Assessments *N/A*

- Application accepted
- Application not accepted
because:

Office Use Only

Date Filed: 8/23/17 Planning Office Contact: ME

Nonrefundable Filing Fee \$600.00: N/A



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: COMMISSIONER JOHN STRAND

DATE: SEPTEMBER 21, 2017

SUBJECT: FARGO YOUTH INITIATIVE (FYI)

In 2012, the Fargo City Commission voted to support the creation of a youth advisory commission called the Fargo Youth Initiative. The mission of FYI is to empower the voice and unite the youth of Fargo through actions and teamwork.

Since its inception, smart, caring and committed young leaders, representing public schools in Fargo have met monthly (sometimes more) to discuss opportunities and issues facing young people in our community. Below you will find a list of interested participants for this year. I am recommending they be appointed as the Fargo Youth Initiative members for the 2017-2018 academic year. I am also recommending that adult mentors from the Fargo Planning Department, Fargo School District, former FYI members, and I be allowed to help guide the process.

To you, my fellow City Commissioners, I appreciate your support of the Fargo Youth Initiative and the inclusion of new and young voices in the public process.

RECOMMENDED MOTION: To appoint the following to serve as Fargo Youth Initiative members for the 2017-2018 academic school year.

Returning Members: Taylor Bowen (South-12), Martha Denton (North-11), Tate Fisher (North-11), Sam Frojen (South-12), Ameena Jovonovich (North-11), Garrett Krom (North-12), Dylan Lee (Davies-12), Nidhi Mahale (Davies-12), Morgan Mastrud (North-11), Hadley Mineer (North-10), Kyle Tekautz (North-12), Saige Thurlow (Davies-12).

New Members: Rylee Lindemann (Davies-12), Jack Lingle (Davies-10), Juliet Sampson (Davies-11), Page Schoer (Davies-12), Ed Shen (Davies-11), Kiara Stroh (Davies-12), Katie Wieers (South-10).



50



Fargo Water Treatment Plant
435 14th Avenue South
Fargo, North Dakota 58103
Phone (701) 241-1469
FAX (701) 241-8110

MEMORANDUM
September 20, 2017

To: City Commissioners
From: Troy B. Hall, Water Utility Director
Re: Project WA1510 Bid Award – Sheyenne Pump Station Improvements

Water Utility staff has worked with City of Fargo legal counsel since the previous City Commission meeting to provide a bid award recommendation for Project WA1510, Sheyenne River Pump Station Improvements. There were no bidders for Contract No. 2 (Mechanical Construction) with this project. I am recommending approval of the bid award shown below - which is satisfactory with City of Fargo legal counsel and in accordance with North Dakota Century Code (NDCC).

Bid opening for Project WA1510, Sheyenne River Pump Station Improvements, occurred on August 30, 2017. A unique part of this bid was that there were no mechanical bidders for Contract No. 2. Therefore, a valid calculation could not be completed to compare the sum of the 3 lowest prime bidders (Contract No. 1, Contract No. 2, and Contract No. 3) against the lowest combined bid (Contract No. 4). With Contract No. 4, all work would be completed under the General Contractor.

In the packet for the September 11, 2017 City Commission meeting, Water Utility staff recommended awarding the lowest bid for Contract No. 4. It was thought that the bid award would default to the lowest combined bidder in the absence of a Contract No. 2 (Mechanical Construction) bid. The item was continued on September 11, 2017 to the September 25, 2017 City Commission meeting to allow time to further assess the NDCC language in this matter.

In working with the City of Fargo legal counsel, it was found that language was added to the NDCC in 2015 as a potential remedy for the lack of any bidders in one of the 3 prime contracts. Since the previous City Commission meeting (September 11), Water Utility staff has worked with legal counsel, the project engineer, and applicable lowest bid contractors to form an award recommendation that meets the 2015 NDCC language.

The Contract No. 2 (Mechanical Construction) price was negotiated with the general contractor that provided the lowest Contract No. 1 (General Construction) bid. This follows the 2015 NDCC remedy for no bids in one of the construction disciplines. Please see attached engineer's recommendation letter and applicable information. For

Project WA1510, the sum of the 3 prime contracts (with NDCC remedy) was lower than the lowest combined bid. The bid award recommendation is as follows:

Contract No. 1 (General Construction): \$1,207,000 to Swanberg Construction

This includes: Contract No. 1 (General Construction) - \$1,046,000
Bid Alternate No. 1 to Contract No. 1 - \$11,000 (Generator Pad)
Contract No. 2 (Mechanical Construction) - \$150,000

Contract No. 3 (Electrical Construction): \$883,039 to John's Refrigeration and Electric

This includes: Contract No. 3 (Electrical Construction) - \$626,672
Bid Alternate No. 1 to Contract No. 3 - \$256,367 (Electric Generator)

Total of bids for all contracts: \$2,090,039

Engineer's estimate: \$2,650,000

This project is eligible for 'Regionalization' cost-share (grant) funding at 60 percent by the North Dakota State Water Commission. The City of Fargo share will be paid through Fund 450 – Infrastructure Sales Tax. Using the bid award costs, the split for funding Project WA1501 will be as follows:

- **ND State Water Commission cost-share (grant): \$1,254,023.40**
- **City of Fargo share: \$836,015.60**

SUGGESTED MOTION:

Approve Project WA1510 (Sheyenne Pump Station Improvements) bid award as follows:

- Contract No. 1 (General Construction) to Swanberg Construction, Inc. in the amount of \$1,207,000.
- Contract No. 3 (Electrical Construction) to John's Refrigeration and Electric, Inc. in the amount of \$883,039.

Your consideration in this matter is greatly appreciated.



September 18, 2017

Mr. Troy Hall
Water Utility Director
City of Fargo
435 14th Ave S
Fargo ND 58103-4306

**Re: Sheyenne River Pump Station Improvements
Engineer's Bid Review and Award Recommendation
Fargo Water Project #WA1510**

Dear Mr. Hall:

Bids were received at 11:30 a.m. on Wednesday, August 30, 2017 at the City Auditor's Office and opened immediately in the Lobby of Centennial Hall for the above referenced project. A total of eight (8) different bidders submitted a total of eleven (11) sealed bids. Each of the bids that were submitted met all of the prescribed requirements and were opened and read aloud. A bid tabulation is attached to this letter for your review.

The project was bid as four (4) contracts: Contract No. 1 – General Construction; Contract No. 2 – Mechanical Construction; Contract No. 3 – Electrical Construction; and Contract No. 4 – Combined General, Mechanical, and Electrical Construction. A combined bid should not be accepted unless that bid is lower than the combined total of the lowest, responsible bids for the respective individual contracts. However, a bid for Contract No. 2 – Mechanical Construction was not received for this project. As allowed per the North Dakota Century Code (NDCC) 48-01.2-06, a contract amendment may be negotiated for the Mechanical Construction with the apparent low bidder of Contract No. 1 – General Construction.

In addition to the base bid, three alternates were bid. Alternate No. 1 to Contract No. 1 included construction of a generator pad. Alternate No. 1 to Contract No. 3 included the furnishing and installation of an 800 kW generator. Alternate No. 1 to Contract No. 4 included construction of a generator pad and the furnishing and installation of an 800 kW generator. The bids for these alternates are represented by contract increases in the attached bid tabulation.

Based on a review of the bids, the apparent low bid is from Swanberg Construction, Inc. in the amount of \$1,046,000 for the general construction (Contract No. 1) and \$11,000 for the Generator Pad (Alternate No 1 to Contract No. 1). John's Refrigeration and Electric, Inc. was the apparent low bid in the amount of \$626,672 for the electrical construction (Contract No. 3) and \$256,367 for the 800 kW Generator (Alternate No. 1 to Contract No. 3). In addition, Swanberg Construction, Inc. has proposed to complete the Mechanical Construction (Contract No. 2) as part of Contract No. 1 – General Construction, for an additional amount of \$150,000.

Mr. Troy Hall
Water Utility Director

**Re: Sheyenne River Pump Station Improvements
Engineer's Bid Review and Award Recommendation
Fargo Water Project #WA1510**

September 18, 2017

Page 2 of 2

The project team recommends the following construction contracts:

- Contract No. 1 – General Construction, Alternate No. 1 to Contract No. 1 – Generator Pad, and Contract No. 2 – Mechanical Construction : Swanberg Construction, Inc. in the amount of \$1,207,000.00
- Contract No. 3 – Electrical Construction and Alternate 1 to Contract No. 3 – 800 KW Generator: John's Refrigeration and Electric, Inc. in the amount of \$883,039.00

Thank you for the opportunity to assist the City of Fargo with this important project. Should you have any comments or questions regarding the bid results or the project in general, please do not hesitate to contact me at (218) 299-5610.

Respectfully Submitted,

AE2S



Richard A. Wagner, PE
Project Manager

Attachments

Richard Wagner

From: Mark Swanberg <Mark@swanbergconstruction.com>
Sent: Wednesday, September 20, 2017 10:52 AM
To: Richard Wagner
Cc: Troy Hall (THall@cityoffargo.com); Jacob Swanberg; Erik Johnson
Subject: Re: Fargo Sheyenne PS - Mechanical work

Gentlemen,
Contract as outlined below is acceptable. Please proceed with contacts as quickly as possible.
Mark Swanberg

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

----- Original message -----

From: Richard.Wagner@AE2S.com
Date: 9/20/17 10:13 AM (GMT-06:00)
To: Mark Swanberg <Mark@swanbergconstruction.com>
Cc: "Troy Hall (THall@cityoffargo.com)" <THall@cityoffargo.com>, Jacob Swanberg <Jacob@swanbergconstruction.com>, Erik Johnson <ejohnson@lawfargo.com>
Subject: RE: Fargo Sheyenne PS - Mechanical work

Mr. Swanberg,

The City staff and legal counsel will not support a proposal to the City Commission for approval of the combined bid from Swanberg. Therefore, will your company commit to the Mechanical portion (Contract No. 2) for the total sum of \$150,000, with the assumption that the City Commission also approves Swanberg's bid on Contract No. 1 (plus Alternate No. 1)? If so, the total amount on Contracts 1, with the alternate included, and Contract No. 2 will be \$1,207,000. It will be helpful to get your confirmation on these details so that City staff can make the appropriate representation to the City Commission for their meeting next Monday evening.

Thank you,
Richard

Richard Wagner, PE (ND, MN, SD, IA)
Assistant Operations Manager
Advanced Engineering and
Environmental Services, Inc. (AE2S)
3101 Frontage Road South
Moorhead, MN 56560
Richard.Wagner@AE2S.com
www.ae2s.com/
Voice: 218.299.5610
Fax: 218.299.5611

From: Mark Swanberg [mailto:Mark@swanbergconstruction.com]
Sent: Thursday, September 14, 2017 10:08 AM

To: Richard Wagner <Richard.Wagner@AE2S.com>

Cc: Troy Hall (THall@cityoffargo.com) <THall@cityoffargo.com>; Jacob Swanberg <Jacob@swanbergconstruction.com>

Subject: RE: Fargo Sheyenne PS - Mechanical work

Gentlemen

This will be acceptable if we cannot get the combined bid issue resolved

I am confident that the intent of the statute will be followed and the and project will and should be awarded combined

Mark Swanberg

President

Swanberg Construction, Inc.

PO Box 728

Valley City, ND 58072

(701) 845-6946

From: Richard.Wagner@AE2S.com [<mailto:Richard.Wagner@AE2S.com>]

Sent: Wednesday, September 13, 2017 2:50 PM

To: Mark Swanberg <Mark@swanbergconstruction.com>

Cc: Troy Hall (THall@cityoffargo.com) <THall@cityoffargo.com>

Subject: Fargo Sheyenne PS - Mechanical work

Mark,

The \$150,000 proposal for including Contract No. 2 - Mechanical Construction within Contract No. 1 – General Construction for the Fargo Sheyenne Pump Station Project has been proposed to the Fargo Water Utility and appears acceptable. We will make a recommendation to the Fargo City Commission that Swanberg be awarded \$1,046,000 for General Construction, \$11,000 for the Generator Pad, and \$150,000 for the Mechanical Construction (as described as Contract No. 2 in the plans and specs). No other terms are being considered at this time. If acceptable to you, I will work up the necessary documentation and get this on the next Fargo City Commission meeting agenda.

Please reply to confirm that this is acceptable to you.

Richard.

Richard Wagner, PE (ND, MN, SD, IA)

Assistant Operations Manager

**Advanced Engineering and
Environmental Services, Inc. (AE2S)**

3101 Frontage Road South

Moorhead, MN 56560

Richard.Wagner@AE2S.com

www.ae2s.com/

Voice: 218.299.5610

Fax: 218.299.5611



Tabulation of Bids
 Sheyenne River Pump Station Improvements
 Fargo, ND
 P00803-2013-010, City Project No. WA1510
 Bid Opening 11:30 AM, August 30, 2017

Contractor	Acknowledge Addenda 1, 2, & 3	Bid Bond	Non-Collision Affidavit	Contractors License	Contract No. 1 - General Construction	Alternate 1 - Generator Pad	Contract No. 2 - Mechanical Construction	Contract No. 3 - Electrical Construction	Alternate 1 - 800 KW Generator	Contract No. 4 - Combined Construction	Alternate 1 - Generator Pad and 800 KW Generator
1 Swanberg Construction, Inc.	✓	✓	✓	✓	\$1,046,000.00	\$11,000.00	NO BID	NO BID	NO BID	\$1,858,000.00	\$285,000.00
2 PKG Contracting, Inc.	✓	✓	✓	✓	\$1,186,900.00	\$8,700.00	NO BID	NO BID	NO BID	\$1,976,900.00	\$285,000.00
3 CC Steel, LLC	✓	✓	✓	✓	\$1,288,500.00	\$16,750.00	NO BID	NO BID	NO BID	NO BID	NO BID
4 ICS, Inc.	✓	✓	✓	✓	\$1,425,000.00	\$25,650.00	NO BID	NO BID	NO BID	\$2,274,000.00	\$350,000.00
5 John's Refrigeration & Electric, Inc.	✓	✓	✓	✓	NO BID	NO BID	NO BID	\$626,672.00	\$256,367.00	NO BID	NO BID
6 Sun Electric, Inc.	✓	✓	✓	✓	NO BID	NO BID	NO BID	\$627,000.00	\$280,000.00	NO BID	NO BID
7 JDP Electric, Inc.	✓	✓	✓	✓	NO BID	NO BID	NO BID	\$653,160.00	\$267,000.00	NO BID	NO BID
8 Rickard Electric, Inc.	✓	✓	✓	✓	NO BID	NO BID	NO BID	\$787,200.00	\$355,100.00	NO BID	NO BID
Engineer's Estimate										\$2,200,000.00	\$450,000.00

True Tabulation of Bids
 Respectfully Submitted by:

Richard A. Wagner, PE

AES
 Advanced Engineering and Environmental Services, Inc.
 4170 28th St. S
 Fargo, ND 58104
 Tel: 701-364-9111
 Fax: 701-364-9979

SECTION 00 51 00 – NOTICE OF AWARD

DATE: September 26, 2017

TO: Swanberg Construction, Inc.
PO Box 728
Valley City, ND 58072

CONTRACT: Contract No. 1 – General Construction, Alternate No. 1 to Contract No. 1 – Generator Pad, and Contract No. 2 – Mechanical Construction.

PROJECT: Sheyenne River Pump Station Improvements
City Project No. WA1510
City of Fargo, ND

You are notified that your Bid dated August 30, 2017 and proposal dated September 14, 2017 for the above Contract has been considered. You are the apparent Successful Bidder and have been awarded a contract for all work under the above referenced project.

The Contract Price of your contract is One million, two hundred and seven thousand dollars and no cents (\$ 1,207,000.00).

Four (4) copies of the proposed Agreement accompany this Notice of Award.

You must comply with the following conditions precedent within ten (10) days of the date of this Notice of Award, that is by October 6, 2017.

1. You must, immediately, deliver to the ENGINEER four (4) signed copies of this Notice acknowledging its receipt.
2. You must deliver to the ENGINEER four (4) fully executed counterparts of the Agreement including all the Contract Documents.
3. You must deliver with each executed Agreement, Performance and Payment Bonds as specified in the Instructions to Bidders (Article 19), and General Conditions (paragraph 5.1).
4. You must deliver with each executed Agreement, Certificates of Insurance as specified in the General Conditions (paragraph 5.04) and Supplementary Conditions (paragraph SC-5.04).
5. You must deliver with each executed Agreement, Current Workmen's Compensation Certificate of Premium Paid.
6. You must deliver with each executed Agreement, Contractor's Certificate of North Dakota Income and Sales Tax Clearance.

After execution of the Agreement, please send all copies of the Contract, along with the above items to the Engineer, Advanced Engineering and Environmental Services, Inc., 4170 28th Avenue South, Fargo, ND 58104.

Fargo, North Dakota
Sheyenne River Pump Station Improvements

Failure to comply with these conditions within the time specified will entitle Owner to consider your bid in default, to annul this Notice of Award, and to declare your Bid Security Forfeited.

Within ten (10) days after you comply with the above conditions, OWNER will return to you one (1) fully signed counterpart of the Agreement with the Contract Documents attached.

City of Fargo, ND
Owner

By: _____
Authorized Signature

ACCEPTANCE OF AWARD

Contractor

By: _____

Title: _____

Date: _____

END OF SECTION

SECTION 00 51 00 – NOTICE OF AWARD

DATE: September 26, 2017

TO: John's Refrigeration and Electric, Inc.
PO Box 251
Valley City, ND 58072

CONTRACT: Contract No. 3 – Electrical Construction and Alternate No. 1 to Contract No. 3 – 800 KW Generator.

PROJECT: Sheyenne River Pump Station Improvements
City Project No. WA1510
City of Fargo, ND

You are notified that your Bid dated August 30, 2017 for the above Contract has been considered. You are the apparent Successful Bidder and have been awarded a contract for all work under the above referenced project.

The Contract Price of your contract is Eight hundred eighty-three thousand and thirty-nine dollars and no cents (\$ 883,039.00).

Four (4) copies of the proposed Agreement accompany this Notice of Award.

You must comply with the following conditions precedent within ten (10) days of the date of this Notice of Award, that is by October 6, 2017.

1. You must, immediately, deliver to the ENGINEER four (4) signed copies of this Notice acknowledging its receipt.
2. You must deliver to the ENGINEER four (4) fully executed counterparts of the Agreement including all the Contract Documents.
3. You must deliver with each executed Agreement, Performance and Payment Bonds as specified in the Instructions to Bidders (Article 19), and General Conditions (paragraph 5.1).
4. You must deliver with each executed Agreement, Certificates of Insurance as specified in the General Conditions (paragraph 5.04) and Supplementary Conditions (paragraph SC-5.04).
5. You must deliver with each executed Agreement, Current Workmen's Compensation Certificate of Premium Paid.
6. You must deliver with each executed Agreement, Contractor's Certificate of North Dakota Income and Sales Tax Clearance.

After execution of the Agreement, please send all copies of the Contract, along with the above items to the Engineer, Advanced Engineering and Environmental Services, Inc., 4170 28th Avenue South, Fargo, ND 58104.

Fargo, North Dakota
Sheyenne River Pump Station Improvements

Failure to comply with these conditions within the time specified will entitle Owner to consider your bid in default, to annul this Notice of Award, and to declare your Bid Security Forfeited.

Within ten (10) days after you comply with the above conditions, OWNER will return to you one (1) fully signed counterpart of the Agreement with the Contract Documents attached.

City of Fargo, ND
Owner

By: _____
Authorized Signature

ACCEPTANCE OF AWARD

Contractor

By: _____

Title: _____

Date: _____

END OF SECTION

REPORT OF ACTION

UTILITY COMMITTEE



Project No. WA1510

Type: Sheyenne Pump Station Improvements Bid Award

Location: Sheyenne River Pump Station (52nd Avenue South)

Date of Hearing: 8/31/17 (Electronic/Email Vote)

<u>Routing</u>	<u>Date</u>
City Commission	9/11/17
Project File	

Troy Hall, Water Utility Director, presented the attached email related to bid opening for Project WA1510, Sheyenne River Pump Station Improvements. Also, the Award Recommendation letter and Bid Tabulation sheet are attached. The bid award was voted on electronically by Utility Committee members. The total recommended bid will be awarded to Swanberg Construction, Inc. for the base bid plus Alternate 1 as follows:

- Total Base Bid plus Alternate 1: \$2,143,000 (recommended)
- Engineer's Estimate: \$2,650,000

The project is being paid for through 60 percent State Water Commission (SWC) grant funding and the City of Fargo share paid with Infrastructure Sales Tax (Fund 450). From a cost share perspective, the following shows the 60 percent cost share calculations:

- ND State Water Commission share: \$1,285,800
- City of Fargo share: \$857,200

MOTION:

On a motion by Terry Ludlum, seconded by Jim Hausauer, the Utility Committee voted to approve bid award to Swanberg Construction, Inc. for Contract No. 4 plus Alternate 1 in the amount of \$2,143,000.

<u>COMMITTEE:</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
				X
				Proxy
Anthony Gehrig, City Commissioner	X			
Mark Bittner, Director of Engineering	X			
Kent Costin, Director of Finance	X			
Vacant--, Water Plant Supt.				
Don Tucker, Wastewater Plant Supt.	X			
Bruce Grubb, City Administrator	X			
Scott Liudahl, City Forester	X			
Terry Ludlum, Solid Waste Utility Director	X			
James Hausauer, Wastewater Util. Director	X			
Troy Hall, Water Utility Director	X			
Ben Dow, Public Works Operations Director	X			
Vacant--, City Engineer				

ATTEST:



 Troy B. Hall
 Water Utility Director

- C: Tim Mahoney, Mayor
 Commissioner Grindberg
 Commissioner Piepkorn
 Commissioner Strand

Troy Hall

From: Troy Hall
Sent: Thursday, August 31, 2017 1:05 PM
To: Tony Gehrig; Mark Bittner; Kent Costin; Don Tucker; Bruce Grubb; Scott Liudahl; Terry Ludlum; James Hausauer; Benjamin Dow
Subject: Bid Award - Sheyenne River Pump Station Reliability Improvements – Electronic Vote
Attachments: Bid Recommendation Contract 4 &Alt (Swanberg).pdf; ! Fargo_Sheyenne_PS_Imp_BidTab.pdf

Utility Committee Members:

I talked about bid opening for the Sheyenne Pump Station Improvements last week at our Utility Committee meeting and that we were waiting for City Commission approval for a Sheyenne River setback waiver. The waiver was approved by the City Commission on August 28, 2017. Then, bid opening occurred this Wednesday and bids were below the Engineer's estimate.

Bid opening for Project WA1510, Sheyenne Pump Station Improvements, was held on Wednesday, August 30, 2017 in the Lobby of Centennial Hall. Bids were received up to 11:30 AM. Please see attached letter from AE2S for the Engineer's Bid Review and Award Recommendation. As a 'Regionalization' project, this project qualifies for 60 percent cost share (grant) from the ND State Water Commission for construction and engineering. If the bid award recommendation and information below seems reasonable, I would appreciate a motion, second, and vote on bid award for this project.

There were no bidders for the Mechanical Contract. Therefore, the bidding defaulted to analyzing the Combined Construction bids since the three prime analysis could not be calculated. The results were as follows:

- Low Combined Construction Bid: \$1,858,000 (Swanberg Construction, Inc.)
- Engineers Estimate: \$2,200,000

Bid Alternate 1 is a 800 KW Generator and Generator Pad. The following shows the bid alternate results:

- Alternate 1 Bid: \$285,000
- Engineer's Estimate: \$450,000

The total recommended award is for base bid plus Alternate 1 as follows:

- **Total Base Bid plus Alternate 1: \$2,143,000 (recommended)**
- **Engineer's Estimate: \$2,650,000**

From a cost share perspective, the following shows the 60 percent cost share calculations:

- **ND State Water Commission Share: \$1,285,800**
- **City of Fargo Share: \$857,200**

Plan of Financing:

The Sheyenne Pump Station Improvements project is in the 2017 budget under Infrastructure Sales Tax (Fund 450). It is in the proposed 2018 budget under Fund 450. The Membrane Water Treatment Plant construction should be declining by early next year as the Sheyenne Pump Station project ramps up. Once reimbursements are received from the ND SWC, the final cost to the City of Fargo will be \$857,200 plus any change orders for construction.

SUGGESTED MOTION:

Approve the Combined Construction Bid plus Alternate 1 in the total amount of \$2,143,000 from Swanberg Construction, Inc.

Your consideration in this matter is greatly appreciated.

Have a great day!

Troy B. Hall
Water Utility Director

City of Fargo, Water Treatment Plant
435 14th Avenue South
Fargo, ND 58103

thall@cityoffargo.com
www.cityoffargo.com

Plant: 701.241.1469
Direct: 701.476.6741
Cell: 701.541.4180





August 30, 2017

Mr. Troy Hall
Water Utility Director
City of Fargo
435 14th Ave S
Fargo ND 58103-4306

**Re: Sheyenne River Pump Station Improvements
Engineer's Bid Review and Award Recommendation
Fargo Water Project #WA1510**

Dear Mr. Hall:

Bids were received at 11:30 a.m. on Wednesday, August 30, 2017 at the City Auditor's Office and opened immediately in the Lobby of Centennial Hall for the above referenced project. A total of eight (8) different bidders submitted a total of eleven (11) sealed bids. Each of the bids that were submitted met all of the prescribed requirements and were opened and read aloud. A bid tabulation is attached to this letter for your review.

The project was bid as four (4) contracts: Contract No. 1 – General Construction; Contract No. 2 – Mechanical Construction; Contract No. 3 – Electrical Construction; and Contract No. 4 – Combined General, Mechanical, and Electrical Construction. A combined bid should be accepted when that bid is lower than the combined total of the lowest, responsible bids for the respective individual contracts. The apparent low base bid is by Swanberg Construction Inc. for the combined general, mechanical, and electrical construction (Contract No. 4).

In addition to the base bid, three alternates were bid. Alternate No. 1 to Contract No. 1 included construction of a generator pad. Alternate No. 1 to Contract No. 3 included the furnishing and installation of an 800 kW generator. Alternate No. 1 to Contract No. 4 included construction of a generator pad and the furnishing and installation of an 800 kW generator. The bids for three alternates are represented by contract increases in the attached bid tabulation.

AE2S recommends the award of the base bid along with Alternate No. 1 to Contract No. 4. As such, the project team recommends the following construction contract:

- Contract No. 4 – Combined General, Mechanical, and Electrical Construction and Alternate No. 1 to Contract No. 4: Swanberg Construction Inc. in the amount of \$2,143,000.

Mr. Troy Hall
Water Utility Director

**Re: Sheyenne River Pump Station Improvements
Engineer's Bid Review and Award Recommendation
Fargo Water Project #WA1510**

August 30, 2017

Page 2 of 3

Thank you for the opportunity to assist the City of Fargo with this important project. Should you have any comments or questions regarding the bid results or the project in general, please do not hesitate to contact me at (218) 299-5610.

Respectfully Submitted,

AE2S



Richard A. Wagner, PE
Project Manager

Attachments

Tabulation of Bids
 Sheyenne River Pump Station Improvements
 Fargo, ND
 P00803-2013-010, City Project No. WA1510
 Bid Opening 11:30 AM, August 30, 2017



Contractor	Acknowledge Addenda 1, 2, & 3	Bid Bond	Non-Collusion Affidavit	Contractor's License	Contract No. 1 - General Construction	Alternate 1 - Generator Pad	Contract No. 2 - Mechanical Construction	Contract No. 3 - Electrical Construction	Alternate 1 - 800 KW Generator	Contract No. 4 - Combined Construction	Alternate 1 - Generator Pad and 800 KW Generator
1 Swanberg Construction, Inc.	✓	✓	✓	✓	\$1,046,000.00	\$11,000.00	NO BID	NO BID	NO BID	\$1,858,000.00	\$285,000.00
2 PKG Contracting, Inc.	✓	✓	✓	✓	\$1,186,900.00	\$8,700.00	NO BID	NO BID	NO BID	\$1,976,900.00	\$285,000.00
3 CC Steel, LLC	✓	✓	✓	✓	\$1,268,500.00	\$16,750.00	NO BID	NO BID	NO BID	NO BID	NO BID
4 ICS, Inc.	✓	✓	✓	✓	\$1,425,000.00	\$25,650.00	NO BID	NO BID	NO BID	\$2,274,000.00	\$350,000.00
5 John's Refrigeration & Electric, Inc.	✓	✓	✓	✓	NO BID	NO BID	NO BID	\$625,672.00	\$256,367.00	NO BID	NO BID
6 Sun Electric, Inc.	✓	✓	✓	✓	NO BID	NO BID	NO BID	\$627,000.00	\$280,000.00	NO BID	NO BID
7 JDP Electric, Inc.	✓	✓	✓	✓	NO BID	NO BID	NO BID	\$653,160.00	\$267,000.00	NO BID	NO BID
8 Rickard Electric, Inc.	✓	✓	✓	✓	NO BID	NO BID	NO BID	\$787,200.00	\$355,100.00	NO BID	NO BID
Engineer's Estimate										\$2,200,000.00	\$450,000.00

True Tabulation of Bids
 Respectfully Submitted by:



Richard A. Wagner, PE



Advanced Engineering and Environmental Services, Inc.
 4170 28th St. S
 Fargo, ND 58104
 Tel: 701-364-9111
 Fax: 701-364-9979

SECTION 00 51 00 – NOTICE OF AWARD

DATE: September 12, 2017

TO: Swanberg Construction, Inc.
PO Box 728
Valley City, ND 58072

CONTRACT: Contract No. 4 – Combined Construction PLUS Alternate No. 1

PROJECT: Sheyenne River Pump Station Improvements
City of Fargo, ND

You are notified that your Bid dated August 30, 2017 for the above Contract has been considered. You are the apparent Successful Bidder and have been awarded a contract for all work under the above referenced project.

The Contract Price of your contract is Two million, one hundred forty-three thousand dollars and no cents (\$ 2,143,000.00).

Four (4) copies of the proposed Agreement accompany this Notice of Award.

You must comply with the following conditions precedent within ten (10) days of the date of this Notice of Award, that is by September 22, 2017.

1. You must, immediately, deliver to the ENGINEER four (4) signed copies of this Notice acknowledging its receipt.
2. You must deliver to the ENGINEER four (4) fully executed counterparts of the Agreement including all the Contract Documents.
3. You must deliver with each executed Agreement, Performance and Payment Bonds as specified in the Instructions to Bidders (Article 19), and General Conditions (paragraph 5.1).
4. You must deliver with each executed Agreement, Certificates of Insurance as specified in the General Conditions (paragraph 5.04) and Supplementary Conditions (paragraph SC-5.04).
5. You must deliver with each executed Agreement, Current Workmen's Compensation Certificate of Premium Paid.
6. You must deliver with each executed Agreement, Contractor's Certificate of North Dakota Income and Sales Tax Clearance.

After execution of the Agreement, please send all copies of the Contract, along with the above items to the Engineer, Advanced Engineering and Environmental Services, Inc., 4170 28th Avenue South, Fargo, ND 58104.

Fargo, North Dakota
Sheyenne River Pump Station Improvements

Failure to comply with these conditions within the time specified will entitle Owner to consider your bid in default, to annul this Notice of Award, and to declare your Bid Security Forfeited.

Within ten (10) days after you comply with the above conditions, OWNER will return to you one (1) fully signed counterpart of the Agreement with the Contract Documents attached.

City of Fargo, ND
Owner

By: _____
Authorized Signature

ACCEPTANCE OF AWARD

Contractor

By: _____

Title: _____

Date: _____

END OF SECTION