

FARGO CITY COMMISSION AGENDA
Monday, January 8, 2024 - 5:00 p.m.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, December 26, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Letter of Support for the Center for Plastic Surgery project to the ND Opportunity Fund.
- 2. Applications for Abatement or Refund of Taxes #4551 and #4553 for property located at 2822 8th Street North requesting a reduction in values for 2022 from \$342,000.00 to \$290,000.00 and for 2023 from \$394,000.00 to \$320,000.00; staff is recommending a reduction in values to \$305,000.00 for 2022 and \$310,000.00 for 2023.
- 3. Gaming Site Authorization for Fraser Ltd. at Cairo Restaurant.
- 4. Applications for Games of Chance:
 - a. El Zagal Temple for a raffle on 2/8/24.
 - b. Fargo North Booster Board for a raffle on 1/18/24.
 - c. NDSU Asian Student Organization for a raffle on 2/3/24.
 - d. Rape and Abuse Crisis Center for bingo and a raffle on 2/3/24.
- 5. 2nd reading and final adoption of an Ordinance Repealing Section 10-0307 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Persons Using Streets not to be Molested; 1st reading, 12/26/23.
- 6. 2nd reading and final adoption of an Ordinance Repealing Section 10-0311 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Panhandling; 1st reading, 12/26/23.
- 7. Amendment to the Findings of Fact, Conclusions and Order for the property located at 1710 1st Avenue South.
- 8. Amendment to the Findings of Fact, Conclusions and Order for the property located at 1208 University Drive South.
- 9. Amendment (Second) to Agreement for Services with Valley Veterinary Hospital, P.C.
- 10. Amended Engineer's Report for Improvement District No. TN-23-A.
- 11. Notice of Grant Award from the ND Department of Health and Human Services for HIV.HCV Counseling, Testing and Referral (CTR) (CFDA #93.940).

12. Notice of Grant Award from the ND Department of Health and Human Services for increasing TB infection identification and treatment (CFDA #93.116).
13. Bid award and Agreement with Fargo Moorhead Towing for junked vehicle removal services for 2024.
14. Bid award to Gast Construction Company, Inc. in the amount of \$1,159,700.00 for the Public Works South Side Fuel Station (ITB24028)
15. Bills.

REGULAR AGENDA:

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

***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**

17. **PUBLIC HEARING** – CONTINUE to 1/22/24 - Application filed by John Deere Electronic Solutions, a Division of John Deere & Company, for a property tax exemption for a project to be located at 4101 19th Avenue North, which the applicant will use primarily for manufacturing and programming of receivers, displays, controllers, modems and inverters; continued from the 12/11/23 Regular Meeting.
18. **PUBLIC HEARING** – Plat of TYKE Addition (201 27th Street North and 2600 3rd Avenue North); approval recommended by the Planning Commission on 9/7/23.
19. **PUBLIC HEARING** – Plat of CC's First Addition (5080 38th Street South); approval recommended by the Planning Commission on 11/7/23.
20. **PUBLIC HEARING** – Gamma Fargo Addition and Pracs Second Addition (4951 and 4837 Amber Valley Parkway South; 4800, 4820 and 4840 23rd Avenue South):
 - a. PUD, Planned Unit Development Master Land Use Plan.
 - b. Zoning Change from LC, Limited Commercial to GC, General Commercial with a PUD, Planned Unit Development overlay.
 - c. 1st reading of rezoning Ordinance (Gamma Fargo Addition).
 - d. 1st reading of rezoning Ordinance (Pracs Second Addition).
21. Presentation of the Fargo Police Department Master Facility Plan.
22. Request for the Fargo Police Department to participate in the 2024 Law Enforcement Memorial event.
23. Recommendation to approve of the 2024 Capital Improvement Plan (CIP) and Infrastructure Funding Policy revisions.
24. Recommendation to approve the Fargo-Moorhead Housing Needs Analysis and Strategies.
25. Recommendation to approve the Downtown InFocus Take Action report.
26. Applications for Property Tax Exemptions for Improvements Made to Buildings:

- a. Jason and Sara Hinkle, 1538 11th Street North (5 years).
- b. Gary and Pamela Lorenz, 6409 14th Street South (5 years).
- c. Betsy Stadick and Peter Cossette, 2013 26th Avenue South (5 years).
- d. April Peterson and Joshua Steier, 3325 43rd Avenue South (5 years).
- e. Kennedy Court Investments, LLC, 809 Kennedy Court North (5 years).
- f. Kennedy Court Investments, LLC, 813 Kennedy Court North (5 years).

27. Liaison Commissioner Assignment Updates.

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

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



City Administration
225 4th Street North
Fargo, ND 58102

MEMORANDUM

TO: Fargo City Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research



DATE: January 3, 2024

SUBJECT: Letter of Support for Center for Plastic Surgery

The City of Fargo is a member of the North Dakota Opportunity Fund (NDOF) Consortium along with 37 other communities in North Dakota. This fund originated as part of the Small Business Jobs Act of 2010.

The fund provides loans and investments to small businesses. In order for a business to receive support, the Consortium requires an endorsement letter from the City indicating support for the project and NDOF involvement in the financing. There is no City financial support included or required with the letter of support.

The Center for Plastic Surgery is outgrowing their space in Fargo and planning to increase their space from 2,500 sf to 8,000 sf. There are currently 12 employees with plans to add 12 additional jobs over the next three years. The project will be at 5500 32nd Avenue South. The business has requested a letter of support from the City of Fargo.

Recommended Motion

Provide a letter in support of the Center for Plastic Surgery project to the North Dakota Opportunity Fund providing match of the Bank of ND interest buy down program.



②

ASSESSOR'S OFFICE
Fargo City Hall
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1340 | Fax: 701.241.1339
www.FargoND.gov

December 27, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Attached are the Applications for Abatement or Refund of Taxes #4551 and #4553. The applications are on a four unit apartment building located at 2822 8 St N. The applications request the following:

- #4551 – for 2022, a reduction from \$342,600 down to \$290,000.
- #4553 – for 2023, a reduction from \$394,000 down to \$320,000.

We have provided information regarding the valuation of this property and the reasons for a value adjustment, if any exist. With the information provided by the owner and our staff appraiser's review, and based on the current condition of the property, we created new approaches to value and recommend value adjustments as provided below.

The applicant has informed us that they accept the proposed changes and has waived, in writing, the city hearing on these abatement applications.

SUGGESTED MOTION:

Adjust the property values at 2822 8 St N in the following manner:

- #4551 – reduce the 2022 certified value to \$305,000**
- #4553 – reduce the 2023 certified value to \$310,000**

Sincerely,



Michael Splonskowski
Fargo City Assessor

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1 of the year following the year in which the tax becomes delinquent.

State of North Dakota Assessment District 1
 County of Cass Property I.D. No. 01-4181-00280-000
 Name RR Real Estate LLC Telephone No. 701-793-9996
 Address 2822 8th St North Fargo, ND 58102

Legal description of the property involved in this application:
LAWRENCE YUNKER 1 S 4' LOT 1 & N 69' LOT 2 BLK 3 1ST SUB OF BLK 3

Total true and full value of the property described above for the year <u>2022</u> is:	Total true and full value of the property described above for the year <u>2022</u> should be:
Land \$ <u>29,000</u>	Land \$ <u>29,000</u>
Improvements \$ <u>313,600</u>	Improvements \$ <u>261,000</u>
Total \$ <u>342,600</u> (1)	Total \$ <u>290,000</u> (2)

The difference of \$ 52,000.00 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- 10. Other (explain) _____

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ 290,000 Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? .. no Estimated value: \$ _____
yes/no

2. Has the property been offered for sale on the open market? .. no If yes, how long? .. _____
yes/no
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: Yes Purpose of appraisal: to close on mortgage
yes/no Market value estimate: \$ 290,000
 Appraisal was made by whom? Border Appraisals

4. The applicant's estimate of market value of the property involved in this application is \$ 290,000

5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that The Total and Full value of the property be lowered to match the market price
and the price described in appraisal.

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) _____ Date _____ Signature of Applicant *[Signature]* Date 17/25/2022

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

Dated this _____ day of _____, _____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from \$ _____ to \$ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ _____. The Board accepts \$ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

Dated _____

County Auditor Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest? yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor Date

Application For Abatement
Or Refund Of Taxes

Name of Applicant RR. Real Estate LLC

County Auditor's File No. 4551

Date Application Was Filed With The County Auditor 11/1/2023

Date County Auditor Mailed Application to Township Clerk or City Auditor 11/2/2023
(must be within five business days of filing date)



Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1 of the year following the year in which the tax becomes delinquent.

State of North Dakota Assessment District 1
 County of Cass Property I.D. No. 01-4181-00280-000
 Name RR Real Estate LLC Telephone No. 701-793-9996
 Address 2822 8th St North Fargo, ND 58102

Legal description of the property involved in this application:
LAWRENCE YUNKER 1 S 4' LOT 1 & N 69' LOT 2 BLK 3 1ST SUB OF BLK 3

Total true and full value of the property described above for the year 2023 is:
 Land \$ 29000
 Improvements \$ 365000
 Total \$ 394000
 (1)

Total true and full value of the property described above for the year 2023 should be:
 Land \$ 29000
 Improvements \$ 291000
 Total \$ 320000
 (2)

The difference of \$ 74000 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- 10. Other (explain) _____

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ 290000 Date of purchase: _____
 Terms: Cash _____ Contract 4 Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? no Estimated value: \$ _____
 yes/no

2. Has the property been offered for sale on the open market? no If yes, how long? _____
 yes/no
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: Yes Purpose of appraisal: to close on mortgage
 yes/no
 Market value estimate: \$ 290000
 Appraisal was made by whom? Border Appraisals

4. The applicant's estimate of market value of the property involved in this application is \$ 290000

5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____


Applicant asks that The Total and Full value of the property be lowered to match the market
and the price described in appraisal.

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant 

Date 1/13/2023

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

Dated this _____ day of _____, _____, _____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from \$ _____ to \$ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ _____. The Board accepts \$ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

Dated _____

County Auditor

Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

Application For Abatement
Or Refund Of Taxes

Name of Applicant R/R Real Estate LLC

County Auditor's File No. 4553

Date Application Was Filed With The County Auditor 11/14/2023

Date County Auditor Mailed Application to Township Clerk or City Auditor 11/15/2023
(must be within five business days of filing date)

Four-Plex

Parcel Number: 01-4181-00280-000

2822 8 ST N

Owner: RR Real Estate, LLC

Appeal of Assessment for Year(s): 2022, 2023

Name of Applicant: Robert Geglin

True & Full Value

2023	394,000	101.97 / sf	98,500 / unit
2022	342,600	88.66 / sf	85,650 / unit

Applicants Requested Value(s)

2023	320,000	82.82 / sf	80,000 / unit
2022	290,000	75.05 / sf	72,500 / unit

General Property Information

Property Type	Apartment (4-Plex)
Year Built	1958 (remodeled 2022)
Building Area	3,864 sf
Number of Units	4



Fargo Assessor Recommendation

2023	310,000	80.23 / sf	77,500 / unit
2022	305,000	78.93 / sf	76,250 / unit

Summary

Appellant is appealing the true & full value for tax years 2022 and 2023. He requests a reduction of -\$52,600 (-15.4%) for 2022; and -\$74,000 (-18.8%) for 2023. As support for the reductions, the appellant provides the purchase price (02/28/2022 - \$290,000) and an independent fee appraisal (09/18/2023 - \$320,000). Appellant also contends that the subject property is over-valued relative to its competing property set.

The subject property is a four unit apartment building. It is located near the Northport Shopping Center. While built in 1958, an extensive renovation occurred in 2022, which puts it in higher condition than its peers. The buyer was unsure of which components were updated. The property view indicated that the roof, windows, flooring, HVAC, fixtures, kitchens, and baths were all replaced or repaired. Assessment department staff valued the remodeling work for 2022. Staff subsequently applied market adjustments to all adjacent apartment properties for 2023.

City staff viewed the property on 11/14/2023. Staff estimated the value with all three approaches. The indicated value range for 2023 is: \$310,000 (sales comparison approach) to \$332,000 (cost approach). For 2022, the analysis indicates a value range between: \$301,000 (income approach) to \$313,000 (cost approach). Staff chose to recommend the value produced by the sales comparison approach.

Comparable Sales Summary (2023)

Address	Property Type	Size (SF)	Units	Year Built	Sale Date	Sale Price (with SPUN)	Sale Price (Adj Sales Comp Apprch)	\$/Unit
2928 7 ST N	Four-Plex	4,032	4	1959	10/2022	282,200	308,300	77,075
2914 7 ST N	Four-Plex	4,088	4	1959	05/2022	272,700	297,500	74,375
2710 9 ST N	Four-Plex	2,400	4	1956	06/2022	271,800	321,400	80,350
2706 8 ST N	Four-Plex	2,304	4	1956	06/2022	256,900	320,400	80,100
Subject	Four-Plex	3,864	4	1958	Original 2023 True & Full		394,000	98,500
					Appellants Requested Value		320,000	80,000
					Proposed Value		310,000	77,500

Information provided above is a summary of the analysis conducted. Full analysis is provided in the Assessment Department's work file.

Four-Plex

Parcel Number: 01-4181-00280-000

2822 8 ST N

Owner: RR Real Estate, LLC

Comparable Sales Summary (2022)

Address	Property Type	Size (SF)	Units	Year Built	Sale Date	Sale Price (with SPUN)	Sale Price (Adj Sales Comp Apprch)	\$/Unit
2605 9 ST N	Four-Plex	3036	4	1958	02/2022	255,000	307,100	76,775
2934 7 ST N	Four-Plex	3640	4	1959	11/2021	276,000	314,000	78,500
2606 9 ST N	Four-Plex	2544	4	1957	09/2021	231,000	288,600	72,150
2701 9 ST N	Four-Plex	2544	4	1958	03/2021	240,000	302,900	75,725
Subject	Four-Plex	3,864	4	1958	Original 2022 True & Full		342,600	85,650
					Appellants Requested Value		290,000	72,500
					Proposed Value		305,000	76,250

Competing Properties (Assessed Values) Summary

We studied current assessments of similar properties for equalization. The search parameters are all four-plex apartments in the Northport area, with four 2 bedroom units. There are 19 such properties in both 2022 and 2023. The subject is the highest assessed in all units of comparison, in both years. The subject's renovation history, and condition relative to its peers likely justifies its position at the top of the competitive set. The magnitude between the subject values, and the 90th percentile raises concern.

The values proposed by assessment staff would keep the subjects values at or near the top of the competing set, albeit tempered dramatically. The appellant's requested value would also be at the top of value range for this property set.

	2023 Total Value	2023 \$/SF	2023 \$/Unit	2022 Total Value	2022 \$/SF	2022 \$/Unit
<i>Maximum</i>	394,000	102	98,500	342,600	89	85,650
<i>90th Percentile</i>	304,080	82	76,020	266,080	71	66,520
<i>75th Percentile</i>	284,850	75	71,213	257,400	66	64,350
<i>Median</i>	279,000	69	69,750	243,700	62	60,925
<i>25th Percentile</i>	270,100	67	67,525	239,650	59	59,913
<i>10th Percentile</i>	259,500	63	64,875	227,860	55	56,965
<i>Minimum</i>	255,900	61	63,975	222,500	53	55,625
True & Full	394,000	102	98,500	342,600	89	85,650
Requested Value	320,000	83	80,000	290,000	75	72,500
Proposed Value	310,000	80	77,500	305,000	79	76,250

Recommended Action #1: Adjust the true and full value to \$310,000 for the 2023 tax year.

Recommended Action #2: Adjust the true and full value to \$305,000 for the 2022 tax year.



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17896 (4-2023)

3

G - _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization
Fraser Ltd.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location Cairo Restaurant			
Street 4554 7TH ST S	City Fargo	ZIP Code 58103	County Cass
Beginning Date(s) Authorized January 2, 2024 Jan 8, 2024	Ending Date(s) Authorized June 30, 2024	Number of Twenty-One tables, if zero, enter "0" 0	

Specific location where games of chance will be conducted and played at the site (required)
All common areas of the establishment, with the exception of outside patios and restrooms.

If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization must provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheel with Tickets
<input type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input checked="" type="checkbox"/> ELECTRONIC Pull Tab Device		

Days of week of gaming operations (if restricted) _____ Hours of gaming (if restricted) _____

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General	Date
Signature of City/County Official	Date 1/8/2024
PRINT Name and official position of person signing on behalf of city/county above Steven Sprague/City Auditor	

INSTRUCTIONS:

1. City/County - Retain a copy of the Site Authorization for your files.
2. City/County - Return the original Site Authorization form to the Organization.
3. Organizations - Send the original, signed, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



Page 13 APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 GAMING DIVISION
 SFN 9338 (4-2023)



400

Applying for (check one)

Local Permit Restricted Event Permit*

Games to be conducted

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.
LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group EI Zagal Temple		Dates of Activity (Does not include dates for the sales of tickets) February 8, 2024	
Organization or Group Contact Person Roger Ellsworth	E-mail rogerellsworty11@gmail.com	Telephone Number 612-849-2888	
Business Address 1429 3 St N	City Fargo	State ND	ZIP Code 58102
Mailing Address (if different)	City	State	ZIP Code

SITE INFO

Site Name EI Zagal Temple	County Cass
Site Physical Address 1429 3 St N	City Fargo
	State ND
	ZIP Code 58102

Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)

2/8/24

PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
Meat Raffle	9 drawings valued at \$50.00 each	450.00
Total (limit \$40,000 per year)		\$ 450.00

Intended Uses of Gaming Proceeds
Donation to local sports team

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)

Yes No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)

Yes No

Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)

No Yes - Total Retail Value: **450.00** (This amount is part of the total prize limit for \$40,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)

Yes No

Name Roger Ellsworth	Title Potentate	Telephone Number 701-	E-mail Address rogerellsworth11@gmail.com
Signature of Organization or Group's Top Official 		Title Potentate (President)	Date January 3, 2024



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 GAMING DIVISION
 SFN 9338 (4-2023)

46

Applying for (check one)

Local Permit Restricted Event Permit*

Games to be conducted

Raffle by a Political or Legislative District Party

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.
LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Fargo North Booster Board		Dates of Activity (Does not include dates for the sales of tickets) January 18, 2024	
Organization or Group Contact Person Jenny Trogstad	E-mail info@fargonorthboosterclub.com	Telephone Number 701-371-1262	
Business Address 801 17th Ave N	City Fargo	State ND	ZIP Code 58102
Mailing Address (if different)	City	State	ZIP Code

SITE INFO

Site Name El Zagal	County		
Site Physical Address 1429 3 St N	City Fargo	State ND	ZIP Code 58102
Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.) 1/18/24			

PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
Meat Raffle	9 drawings valued at \$50.00 each	450.00
Total (limit \$40,000 per year)		\$ 450.00

Intended Uses of Gaming Proceeds
all proceeds to be donated to post prom event at Fargo North High School

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
 Yes No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)
 Yes No

Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)
 No Yes - Total Retail Value: (This amount is part of the total prize limit for \$40,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)
 Yes No

Name Jenny Trogstad	Title President	Telephone Number 701-371-1262	E-mail Address jtrogsg@gmail.com
Signature of Organization or Group's Top Official Jenny Trogstad		Title President	Date 1/4/24



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

GAMING DIVISION

SFN 9338 (9-2023)

(Handwritten initials)



Applying for (check one)

Local Permit Restricted Event Permit*

Games to be conducted Raffle by a Political or Legislative District Party

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Asian Student Organization		Dates of Activity (Does not include dates for the sales of tickets) 02/03/24	
Organization or Group Contact Person Sacred Mauricio	E-mail sacred.mauricio@ndsu.edu	Telephone Number 707-386-0204	
Business Address PO Box 6050 Dept 2837	City Fargo	State ND	ZIP Code 58108-6050
Mailing Address (if different)	City	State	ZIP Code

SITE INFO

Site Name North Dakota State University Memorial Union		County Cass	
Site Physical Address 1401 Administration Ave	City Fargo	State ND	ZIP Code 58105
Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.) Raffle - 02/03			

PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle	"Nail Concepts" Gift Card	\$100
Raffle	"Lotus Blossom" Gift Basket	\$50
Raffle	"Lotus Blossom" Gift Basket	\$50
Total (limit \$40,000 per year)		\$ 400.00

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds
Lunar New Year Celebration costs such as room rental.

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
 Yes No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)
 Yes No

Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)
 No Yes - Total Retail Value: _____ (This amount is part of the total prize limit for \$40,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)
 Yes No

Printed Name of Organization Group's Permit Organizer Sacred Mauricio	Telephone Number 707-386-0204	E-mail Address sacred.mauricio@ndsu.edu
Signature of Organization Group's Permit Organizer <i>(Handwritten Signature)</i>	Title Co-President	Date 01/04/24

ADDITIONAL PRIZE / AWARD INFO

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle	"SOHO 23" Gift Certificate	\$50
Raffle	"Izumi" Gift Card	\$50
Raffle	"Leela Thai Cuisine" Gift Card	\$50
Raffle	"Passage to India" Gift Card	\$50
Total		\$400



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 GAMING DIVISION
 SFN 9338 (9-2023)

Ad

Applying for (check one)

Local Permit Restricted Event Permit*

Games to be conducted Raffle by a Political or Legislative District Party

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.
LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Rape & Abuse Crisis Center		Dates of Activity (Does not include dates for the sales of tickets) February 3, 2024	
Organization or Group Contact Person Anna Larson	E-mail a.larson@raccfm.com	Telephone Number 701-293-7273	
Business Address 317 8th St N	City Fargo	State ND	ZIP Code 58102
Mailing Address (if different)	City	State	ZIP Code

SITE INFO

Site Name Four & Four	County Cass
Site Physical Address 404 4th Ave N	City Fargo
	State ND
	ZIP Code 58102

Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)
Bingo and Raffle on February 3, 2024

PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
	See Attached	
Total (limit \$40,000 per year)		\$

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds
Proceeds from the event will be used to keep services for victims of DV free to them.

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
 Yes No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (if yes, the organization or group does not qualify for a local permit or restricted event permit)
 Yes No

Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (if yes, indicate the total retail value of all prizes previously awarded)
 No Yes - Total Retail Value: _____ (This amount is part of the total prize limit for \$40,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)
 Yes No

Printed Name of Organization Group's Permit Organizer Anna Larson	Telephone Number 701-293-7273	E-mail Address a.larson@raccfm.com
Signature of Organization Group's Permit Organizer <i>Anna Larson</i>	Title Marketing & Communications Manager	Date 1/3/2024

RACC Purse Bingo Prize Info

Game Type	Description of Prize	Exact Retail Value
Bingo	Michael Kors Jet Set Small Pebbled Leather Belt Bag	348
Bingo	Kate Spade Roulette Small Leather Messenger	258
Bingo	Coach Polished Pebbled Leather Cassie Crossbody	295
Bingo	Kate Spade Hudson Medium Convertible Crossbody	248
Bingo	Kate Spade Medium Flap Backpack Leila Coral Buds	339
Bingo	Michael Kors Jet Set LG EW Crossbody Silver	168
Bingo	Michael Kors Medium Hamilton Black	259
Bingo	Kate Spade Weston Shoulder Bag Warm Gingerbread	399
Bingo	Kate Spade Sadie Crossbody Platinum Grey	259
Bingo	Kate Spade Rosie Mini Bucket Bag Parchment Multi	359
Bingo	Kate Spade Schuyler Mini Backpack Black	299
Bingo	Michael Kors Sofia Satchel	328
Bingo	Coach City Tote In Signature Canvas	398
Bingo	Coach Kacey Satchel in Signature Canvas	378
Bingo	Cleobella Bag	450
Raffle	50% of ticket sales - will not exceed \$1000	1000
Bingo/Raffle	Any dual winner games, winners will receive \$35 cash. Purses not won will be raffled off.	Will Vary
	Total Prizes	5785

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

5

ORDINANCE NO. _____

1 AN ORDINANCE REPEALING SECTION 10-0307 OF ARTICLE 10-
2 03 OF CHAPTER 10 OF THE FARGO MUNICIPAL CODE RELATING
3 TO PERSONS USING STREETS NOT TO BE MOLESTED

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

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

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

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

13 NOW, THEREFORE,

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

15 Section 1. Repeal.

16 Section 10-0307 of Article 10-03 of Chapter 10 of the Fargo Municipal Code is
17 hereby repealed in its entirety.
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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 2. Effective Date.

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

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

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Reading:

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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 AN ORDINANCE REPEALING SECTION 10-0311 OF ARTICLE 10-
2 03 OF CHAPTER 10 OF THE FARGO MUNICIPAL CODE RELATING
3 TO PANHANDLING

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

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

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

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

13 NOW, THEREFORE,

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

15 Section 1. Repeal.

16 Section 10-0311 of Article 10-03 of Chapter 10 of the Fargo Municipal Code is
17 hereby repealed in its entirety.
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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 2. Effective Date.

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

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

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Reading:

CITY ATTORNEY
Nancy J. Morris

**OFFICE OF THE
CITY ATTORNEY**

7

SERKLAND LAW FIRM

10 Roberts Street North

P.O. Box 6017

Fargo, ND 58108

Phone: 701.232.8957 | Fax: 701.237.4049

ASSISTANT CITY ATTORNEYS

Ian R. McLean ▪ Alissa R. Farol ▪ William B. Wischer

January 4, 2024

Board of City Commissioners
City Hall
225 4th Street North
Fargo, ND 58102

RE: Dangerous Building located at 1710 1st Avenue South, Fargo, North Dakota

Dear Commissioners,

Enclosed for your review and approval is the proposed Amendment to the Findings of Fact and Conclusions and Order regarding the dangerous building located at 1710 1st Avenue North. At its December 26, 2023, meeting, the motion presented by City of Fargo Building Inspections Director Shawn Ouradnik was approved by the Board, which allowed an extension of time from December 29, 2023, to June 28, 2024, so that the property owner may perform all remaining necessary repairs to the dangerous building so that it is code-compliant and no longer considered a "dangerous building" by the opinion of the Building Official or demolish the dangerous building by said date.

As such, the City Attorney's Office was directed to prepare the appropriate Amendment to the Findings of Fact, Conclusions and Order, and Notice.

Suggested Motion: I move to approve the Amendment to the Findings of Fact and Conclusions and Order, as presented.

Sincerely,



Alissa R. Farol Czapiewski
Assistant City Attorney

Enclosure

cc: Shawn Ouradnik, Inspections Department

AMENDMENT TO
THE FINDINGS OF FACT, CONCLUSIONS AND ORDER

This **AMENDMENT**, by Agreement by and between the CITY OF FARGO (hereinafter “City”), a North Dakota municipal corporation, whose address is 225 4th Street North, Fargo, North Dakota, 58102, and Jamie S. Swenson (hereinafter “Swenson”), whose address is 8922 North Shore Drive, Spicer, Minnesota, 56288, hereby amends the **FINDINGS OF FACT AND CONCLUSIONS AND ORDER** of the Board of City Commissioners of the City of Fargo approved November 13, 2023, a copy of which is attached hereto and made a part hereof, as Exhibit 1, for the property located at 1710 1st Avenue South, Fargo, ND 58103 (hereinafter “Subject Property”).

WHEREAS, on October 30, 2023, a hearing was held before the Board regarding Subject Property, and at said hearing the Board declared the building on Subject Property to be a “dangerous building” and ordered its demolition on or before December 29, 2023; and

WHEREAS, since the Board’s declaration, Swenson has been diligently working to repair the dangerous building by being issued an exploratory demolition permit to assess the structure, contracting with Ram Jack to fix the foundation, which has been completed, and is working with a local engineer to assess the rest of the structure; and

WHEREAS, since Swenson has been ambitiously repairing the structure and pursuant to a recommended motion from the Inspections Director, the Board approved extending the original demolition deadline of December 29, 2023, to June 28, 2024, so that Swenson may perform all necessary work on Subject Property so that it is code-compliant and no longer considered a “dangerous building” by the opinion of the Building Official or demolish the building on Subject Property by said date; and

NOW, THEREFORE, in consideration of the mutual terms, covenants, conditions, and agreements contained herein, it is hereby agreed by and between the parties as follows:

1. That on October 30, 2023, the Board found that the building located on Subject Property was a “dangerous building” and ordered its rehabilitation or demolition on or before December 29, 2023.

2. Swenson has acknowledged this finding and waives any right to appeal.

3. Swenson had requested an extension of time to obtain all required permits and perform the necessary repairs to the dangerous building on Subject Property so that it is code-compliant and no longer a dangerous building by the opinion of the Building Official or demolish the building Subject Property on or before June 28, 2024.

4. The Board considered and approved this request on December 26, 2023.


5. City agrees and understands it shall forego any further enforcement actions related to the dangerous building designation in accordance with the terms of this Agreement and Amendment.

6. All other terms and amendments of the Findings of Fact and Conclusion and Order shall remain in full force and effect.

[Signature Pages to Follow.]

DATED this 2nd day of January, 2024.

PROPERTY OWNER



Jamie S. Swenson

DATED this ____ day of January, 2024.

**BOARD of CITY COMMISSIONERS to the
CITY OF FARGO,**
a North Dakota municipal corporation

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

ATTEST:

Steven Sprague, City Auditor



**OFFICE OF THE
CITY ATTORNEY**

CITY ATTORNEY
Nancy J. Morris

EXHIBIT 1

SERKLAND LAW FIRM
10 Roberts Street North
P.O. Box 6017
Fargo, ND 58108

Phone: 701.232.8957 | Fax: 701.237.4049

ASSISTANT CITY ATTORNEYS

Ian R. McLean • Alissa R. Farol • William B. Wischer

APPROVED BY THE BOARD
OF CITY COMMISSIONERS

11-13-23

November 9, 2023

Board of City Commissioners
City Hall
225 4th Street North
Fargo, ND 58102

RE: Dangerous Building located at 1710 1st Avenue South, Fargo, North Dakota

Dear Commissioners,

Enclosed for your review and approval are proposed Findings of Fact, Conclusions and Order, and Notice regarding the dangerous building proceeding for the property at 1710 1st Avenue South. At its October 30, 2023 meeting, the report presented by Shawn Ouradnik, city of Fargo Building Inspections Director, was approved by the Board. As such, the City Attorney's Office was directed to prepare the appropriate Findings of Fact, Conclusions and Order, and Notice.

Suggested Motion: I move to approve the Findings of Fact, Conclusions and Order, and Notice as presented.

Sincerely,

Alissa R. Farol Czapiewski
Assistant City Attorney

Enclosure

cc: Shawn Ouradnik, Inspections Department

FINDINGS OF FACT, CONCLUSIONS AND ORDER
of the
BOARD OF CITY COMMISSIONERS
OF THE CITY OF FARGO

Property Address: 1710 1st Avenue South, Fargo, North Dakota

Property Owner: Jamie S. Swenson

A hearing was held before the Board of City Commissioners of the City of Fargo on the 30th day of October, 2023 regarding the property located at 1710 1st Avenue South, Fargo, North Dakota. Shawn Ouradnik, city of Fargo Building Inspections Director, appeared on behalf of the city of Fargo Inspections Department and provided testimony as to the condition of the property.

The Board heard the testimony offered by the Inspections Director, considered the reports, evidence and other information presented, and hereby makes the following Findings of Fact:

FINDINGS OF FACT

1. That Jamie S. Swenson is the owner of the following described real property located in the City of Fargo, County of Cass, and State of North Dakota:

East Thirty (30) Feet of Lot Three (3) and West Thirty (30) Feet of Lot Four (4),
Block Four (4), of Arnesons Addition to the city of Fargo.

Street address: 1710 1st Avenue South, Fargo, North Dakota, 58103

[hereinafter "Subject Property"]

2. That on March 29, 2023, Lynne Olson, Rental Housing Inspector for the city of Fargo, inspected the Subject Property and found the building, consisting of a two-story, wood-framed, structure to be a dangerous building within the standards set forth in Article 21-04 of the Fargo Municipal Code and Section 111.1.5 of the International Property Maintenance Code concerning dangerous structures.

3. That the building is unsafe and dangerous in the following respects: (a) horizontal cracking of foundation on the entire east side and foundation caving into basement indicating foundation failure; (b) lower level has significant water damage that would require removal and replacement of electrical wiring and fixtures; (c) main level has damage from animal and garbage hoarding; (d) roof damage has caused water damage on the ceiling and in the bathroom on upper level; (e) south wall in the upper level is pushing into the structure causing movement of the floor and bathtub; (f) water damage has caused soft flooring between the bathtub and toilet in upper level; (g) exterior door is missing trim allowing a view of the interior from the outside; (h) interior water damage from exterior siding damage; and (i) excessive junk and garbage accumulation on the property making it unsafe to be both inside the interior of the structure and also on the exterior yard of the structure.

4. That the following conditions exist with respect to the Subject Property:

- a. The building is unsafe, fails to provide the amenities essential to decent living, and is unfit for human habitation; and
- b. The building is unsafe or dangerous to the health, moral safety or general welfare of the people of the City of Fargo.

5. That the information in the files of the Inspections Department stemming from the inspection of the property on or before March 29, 2023 and all subsequent inspections, with respect to the Subject Property, is hereby accepted as true and correct.

6. That Notice of Dangerous Building was posted on the property on or about June 1, 2023, and re-posted on August 16, 2023, in accordance with Municipal Code § 21-0404. The Notice of Dangerous Building informed the owner and all occupants, if any, that the “dangerous building” must be vacated and secured, and the building must be demolished, or any necessary and valid permits be obtained within thirty (30) days from the date of the notice.

7. That the City secured the Subject Property on September 8, 2023 and September 14, 2023, due to squatter activity.

8. That the City has responded to the Subject Property for a variety of complaints since 2008, including but not limited to, junk, broken windows, deterioration of the building, excessive water usage and damage due to squatters, and animal hoarding and damage within the building.

CONCLUSIONS AND ORDER

Based on the foregoing Findings of Fact, the Board of City Commissioners hereby makes the following Conclusions:

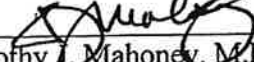
1. That the building located at 1710 1st Avenue South, Fargo, North Dakota 58103, is hereby found to be a "dangerous building."
2. That the owner or anyone claiming to have an ownership interest in said building has not sufficiently presented cause why the "dangerous building" should not be demolished.
3. That despite being ordered that the building on the Subject Property should be demolished, or necessary and valid permits be obtained within thirty (30) days of the notice, the owner or anyone else claiming to have an ownership interest in said building has failed to do so.

IT IS HEREBY ORDERED that Jamie S. Swenson or anyone else claiming an ownership interest, shall demolish the "dangerous building" and remove all building debris located at 1710 1st Avenue South, Fargo, North Dakota by December 29, 2023.

It is further ordered that if the owner fails to demolish said "dangerous building," the City Auditor, Building Inspector, and City Attorney are directed to act on behalf of the city of Fargo to cause the "dangerous building" to be demolished, and the cost of said demolition to be assessed against the Subject Property as provided in Section 21-0405 of the Fargo Municipal Code.

DATED this 13 day of November, 2023.

BOARD of CITY COMMISSIONERS of the CITY
OF FARGO,
a North Dakota Municipal Corporation

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

ATTEST:


Steven Sprague, City Auditor

NOTICE OF ENTRY OF ORDER


TO: JAMIE S. SWENSON AND ALL OTHER PERSONS HAVING INTEREST IN THIS PROPERTY

RE: PROPERTY AT 1710 1ST AVENUE SOUTH, FARGO, NORTH DAKOTA 58103

YOU ARE HEREBY GIVEN NOTICE that you shall have thirty (30) days from the date of service of Findings of Fact and Conclusions and Order of the Board of City Commissioners of the City of Fargo ("Order") upon you in which to appeal the Order to the District Court of Cass County, North Dakota, or to take such other legal action to enjoin the enforcement of this Order as you deem proper, all-in accordance with the appeal procedure set forth in Fargo Municipal Code § 21-0412. You are further given notice that the "dangerous building" on the Subject Property may be demolished by the city of Fargo at any time on or after December 29, 2023.

DATED this 13 day of November, 2023.

BOARD OF CITY COMMISSIONERS
CITY OF FARGO, a North Dakota Municipal Corporation

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

ATTEST:


Steven Sprague, City Auditor

CITY ATTORNEY

Nancy J. Morris

ASSISTANT CITY ATTORNEYS

Ian R. McLéan ▪ Alissa R. Farol ▪ William B. Wischer

8

January 4, 2024

Board of City Commissioners
City Hall
225 4th Street North
Fargo, ND 58102

RE: Dangerous Building located at 1208 University Drive South, Fargo, North Dakota

Dear Commissioners,

Enclosed for your review and approval is the proposed Amendment to the Findings of Fact and Conclusions and Order regarding the dangerous building located at 1208 University Drive South. At its December 26, 2023, meeting, the motion presented by City of Fargo Building Inspections Director Shawn Ouradnik was approved by the Board, which allowed an extension of time from December 29, 2023, to April 1, 2024, for the new purchaser of the property to close on the sale and perform all necessary repairs to the dangerous building so that it is code-compliant and no longer considered a "dangerous building" by the opinion of the Building Official or demolish the dangerous building by said date.

As such, the City Attorney's Office was directed to prepare the appropriate Amendment to the Findings of Fact, Conclusions and Order, and Notice.

Suggested Motion: I move to approve the Amendment to the Findings of Fact and Conclusions and Order, as presented.

Sincerely,



Alissa R. Farol Czapiewski
Assistant City Attorney

Enclosure

cc: Shawn Ouradnik, Inspections Department

AMENDMENT TO
THE FINDINGS OF FACT, CONCLUSIONS AND ORDER

This **AMENDMENT**, by Agreement by and between the CITY OF FARGO (hereinafter “City”), a North Dakota municipal corporation, whose address is 225 4th Street North, Fargo, North Dakota, 58102, and GABBERT EQUITIES, LLC (hereinafter “Gabbert”), whose address is 1101 41st Avenue North, Fargo, North Dakota, 58102, hereby amends the **FINDINGS OF FACT AND CONCLUSIONS AND ORDER** of the Board of City Commissioners of the City of Fargo approved November 13, 2023, a copy of which is attached hereto and made a part hereof, as Exhibit 1, for the property located at 1208 University Drive South, Fargo, ND 58103 (hereinafter “Subject Property”).

WHEREAS, on October 30, 2023, a hearing was held before the Board regarding Subject Property, and at said hearing the Board declared Subject Property to be a “dangerous building” and ordered its demolition on or before December 29, 2023; and

WHEREAS, since the Board’s declaration, the owner of Subject Property, Beverly J. Woitzel, entered into a purchase agreement with Gabbert for the purchase of Subject Property, dated December 8, 2023, and said closing date is to be on or before February 1, 2024; and

WHEREAS, since ownership of Subject Property is in transition and pursuant to a recommended motion from the Inspections Director, the Board approved extending the original demolition deadline of December 29, 2023, to April 1, 2024, so that Gabbert may secure ownership and perform all necessary work on Subject Property so that it is code-compliant and no longer considered a “dangerous building” by the opinion of the Building Official or demolish Subject Property by said date; and

NOW, THEREFORE, in consideration of the mutual terms, covenants, conditions, and agreements contained herein, it is hereby agreed by and between the parties as follows:

1. That on October 30, 2023, the Board found that the building located on Subject Property was a “dangerous building” and ordered its rehabilitation or demolition on or before December 29, 2023.

2. Gabbert has acknowledged this finding and waives any right to appeal.

3. Gabbert had requested an extension of time to (1) secure ownership, (2) obtain all necessary permits, and (3) perform the necessary repairs to the dangerous building on Subject Property so that it is code-compliant and no longer a dangerous building by the opinion of the Building Official or demolish the building on Subject Property on or before April 1, 2024.

4. The Board considered and approved this request on December 26, 2023.

5. City agrees and understands it shall forego any further enforcement actions related to the dangerous building designation in accordance with the terms of this Agreement and Amendment.

6. All other terms and amendments of the Findings of Fact and Conclusion and Order shall remain in full force and effect.

[Signature Pages to Follow.]

DATED this 27 day of December, 2023.

GABBERT EQUITIES, LLC

By 

Its Owner

DATED this _____ day of January, 2024.

**BOARD of CITY COMMISSIONERS to the
CITY OF FARGO,**
a North Dakota municipal corporation

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

ATTEST:

Steven Sprague, City Auditor



**OFFICE OF THE
CITY ATTORNEY**

SERKLAND LAW FIRM
10 Roberts Street North
P.O. Box 6017
Fargo, ND 58108
Phone: 701.232.8957 | Fax: 701.237.4049

CITY ATTORNEY
Nancy J. Morris

ASSISTANT CITY ATTORNEYS
Ian R. McLean ▪ Alissa R. Farol ▪ William B. Wischer

APPROVED BY THE BOARD
OF CITY COMMISSIONERS

11-13-23
(5)

November 9, 2023

Board of City Commissioners
City Hall
225 4th Street North
Fargo, ND 58102

RE: Dangerous Building located at 1208 University Drive South, Fargo, North Dakota

Dear Commissioners,

Enclosed for your review and approval are proposed Findings of Fact, Conclusions and Order, and Notice regarding the dangerous building proceeding for the property at 1208 University Drive South. At its October 30, 2023 meeting, the report presented by Shawn Ouradnik, city of Fargo Building Inspections Director, was approved by the Board. As such, the City Attorney's Office was directed to prepare the appropriate Findings of Fact, Conclusions and Order, and Notice.

Suggested Motion: I move to approve the Findings of Fact, Conclusions and Order, and Notice as presented.

Sincerely,

Alissa R. Farol Czapiewski
Assistant City Attorney

Enclosure

cc: Shawn Ouradnik, Inspections Department

FINDINGS OF FACT, CONCLUSIONS AND ORDER
of the
BOARD OF CITY COMMISSIONERS
OF THE CITY OF FARGO

Property Address: 1208 University Drive South, Fargo, North Dakota

Property Owner: Beverly J. Woitzel

A hearing was held before the Board of City Commissioners of the City of Fargo on the 30th day of October, 2023 regarding the property located at 1208 University Drive South, Fargo, North Dakota. Shawn Ouradnik, city of Fargo Building Inspections Director, appeared on behalf of the city of Fargo Inspections Department and provided testimony as to the condition of the property.

The Board heard the testimony offered by the Inspections Director, considered the reports, evidence and other information presented, and hereby makes the following Findings of Fact:

FINDINGS OF FACT

1. That Beverly J. Woitzel is the owner of the following described real property located in the City of Fargo, County of Cass, and State of North Dakota:

Lot Q in Auditor's Plat of MacLaren Subdivision of the South 50 Feet of Lots 6, 7, and 8, Block 2, Monson's Subdivision of Block 1, Erskine's Addition. The remaining unplatted portion of Auditor's Block 4, SW ¼ Sec. 7, TWP. 129 N.R. 48 W. and Portions of Lots 2 and 9, and all of Lots 3,4,5,6,7 and 8, Block 2, Northrop's Addition to the city of Fargo.

Street address: 1208 University Drive South, Fargo, North Dakota, 58103

[hereinafter "Subject Property"]

2. That on July 27, 2023, Laura Langdahl, Code Enforcement Inspector for the city of Fargo, inspected the Subject Property and found the building, consisting of a single-story, wood-framed, structure to be a dangerous building within the standards set forth in Article 21-04 of the Fargo Municipal Code and Section 111.1.5 of the International Property Maintenance Code concerning dangerous structures.

3. That the building is unsafe and dangerous in the following respects: (a) weatherproofing on all sides of the structure show damage from neglect, deterioration, and abandonment; (b) weatherproofing on the entire roof is rotten and has failed on the north and south facing extensions resulting in holes through the soffit; (c) weatherproofing around the windows show signs of rot which could allow water and other elements into the structure; (d) chimney finish is cracked and crumbling; (e) gutter system is overgrown with vegetation and not functional; (f) siding on south facing wall is separating along the seam and has holes large enough to admit vermin; (g) exterior junk accumulation on the stairs leading to front and rear doors, limiting means of egress; (h) property owner has self-reported the structure is filled with hoarding items making it unsafe to occupy; (i) homeowner has self-reported trespassers, squatters, vandalism, and theft in the structure; and (j) exterior junk accumulation in multiple areas of yard with numerous junk automobiles, including two small RV's that are considered attractive nuisances for children, vagrants, and vermin.

4. That the following conditions exist with respect to the Subject Property:

- a. The building is unsafe, fails to provide the amenities essential to decent living, and is unfit for human habitation; and
- b. The building is unsafe or dangerous to the health, moral safety or general welfare of the people of the City of Fargo.

5. That the information in the files of the Inspections Department stemming from the inspection of the property on or before July 27, 2023, with respect to the Subject Property, is hereby accepted as true and correct.

6. That Notice of Dangerous Building was posted on the property on or about July 31, 2023, in accordance with Municipal Code § 21-0404. The Notice of Dangerous Building informed the owner and all occupants, if any, that the “dangerous building” must be vacated and secured, and the building must be demolished, or any necessary and valid permits be obtained within thirty (30) days from the date of the notice.

7. That due to aggressive neighbors and threats of violence, the City continued to monitor the Subject Property and did not take enforcement action until October 18, 2023, when it was able to safely secure the Subject Property.

CONCLUSIONS AND ORDER

Based on the foregoing Findings of Fact, the Board of City Commissioners hereby makes the following Conclusions:

1. That the building located at 1208 University Drive South, Fargo, North Dakota 58103, is hereby found to be a "dangerous building."
2. That the owner or anyone claiming to have an ownership interest in said building has not sufficiently presented cause why the "dangerous building" should not be demolished.
3. That despite being ordered that the building on the Subject Property should be demolished, or necessary and valid permits be obtained within thirty (30) days of the notice, the owner or anyone else claiming to have an ownership interest in said building has failed to do so.

IT IS HEREBY ORDERED that Beverly J. Woitzel or anyone else claiming an ownership interest, shall demolish the "dangerous building" and remove all building debris located at 1208 University Drive South, Fargo, North Dakota by December 29, 2023.

It is further ordered that if the owner fails to demolish said "dangerous building," the City Auditor, Building Inspector, and City Attorney are directed to act on behalf of the city of Fargo to cause the "dangerous building" to be demolished, and the cost of said demolition to be assessed against the Subject Property as provided in Section 21-0405 of the Fargo Municipal Code.

DATED this 13 day of November, 2023.

BOARD of CITY COMMISSIONERS of the CITY
OF FARGO,
a North Dakota Municipal Corporation

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

ATTEST:


Steven Sprague, City Auditor

NOTICE OF ENTRY OF ORDER

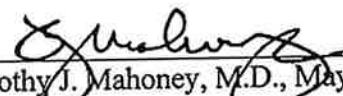
TO: BEVERLY J. WOITZEL AND ALL OTHER PERSONS HAVING INTEREST IN THIS
PROPERTY

RE: PROPERTY AT 1208 UNIVERSITY DRIVE SOUTH, FARGO, NORTH DAKOTA
58103

YOU ARE HEREBY GIVEN NOTICE that you shall have thirty (30) days from the date of service of Findings of Fact and Conclusions and Order of the Board of City Commissioners of the City of Fargo ("Order") upon you in which to appeal the Order to the District Court of Cass County, North Dakota, or to take such other legal action to enjoin the enforcement of this Order as you deem proper, all-in accordance with the appeal procedure set forth in Fargo Municipal Code § 21-0412. You are further given notice that the "dangerous building" on the Subject Property may be demolished by the city of Fargo at any time on or after December 29, 2023.

DATED this 13 day of November, 2023.

BOARD OF CITY COMMISSIONERS
CITY OF FARGO, a North Dakota Municipal
Corporation

By 

Timothy J. Mahoney, M.D., Mayor

ATTEST:



Steven Sprague, City Auditor

CITY ATTORNEY
Nancy J. Morris

**OFFICE OF THE
CITY ATTORNEY**

(9)

SERKLAND LAW FIRM

10 Roberts Street North

P.O. Box 6017

Fargo, ND 58108

Phone: 701.232.8957 | Fax: 701.237.4049

ASSISTANT CITY ATTORNEYS

Ian R. McLean ▪ Alissa R. Farol ▪ William B. Wischer

January 4, 2024

Board of City Commissioners
City Hall
225 4th Street North
Fargo, ND 58102

RE: Amendment (Second) to Agreement for Services with Valley Veterinary Hospital, P.C.

Mayor and Commissioners,

Please find attached for your consideration an Amendment to the existing Agreement for Services with Valley Veterinary Hospital, P.C., the existing provider of pound services for the city of Fargo. Lt. Michael Bernier had several exchanges with the service provider to confirm this amendment is acceptable to all involved.

Suggested Motion: I move to approve Amendment (Second) to Agreement for Services with Valley Veterinary Hospital, P.C.

Please feel free to contact me or Lt. Bernier if you have any questions, comments, or concerns.

Regards,



Nancy J. Morris

NJM/lmw

Amendment (Second) to Agreement for Services

This Amendment amends that certain Agreement for Services dated November 11, 2016, between the City of Fargo, North Dakota, a municipal corporation ("City") and Valley Veterinary Hospital, P.C., a North Dakota Corporation ("Valley"), previously amended on May 6, 2019. Specifically, section 3 and section 7 shall be amended as follows:

3a. Hours of operation for the pound shall be 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday. The pound will be closed when Valley Veterinary Hospital is closed.

3b. Deleted in its entirety.

7b. Upon receiving a request to claim an animal by an owner, Valley will display any animal that resembles the lost/missing animal as described by the owner. Pound staff will display animals for identification during open pound hours.

Dated this ____ of _____, 2024.

City of Fargo, a North Dakota Municipal Corporation

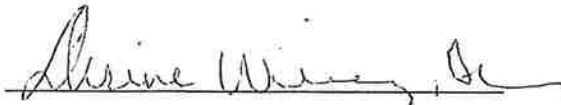
Dr. Timothy J. Mahoney, M.D., Mayor

ATTEST:

Steve Sprague, City Auditor

Dated this ____ of _____, 2024.

Valley Veterinary Hospital, P.C., a North Dakota Corporation



By TERINE WINNINK, DVM, Its President

10



**ENGINEER'S REPORT
TRAFFIC SIGNAL IMPROVEMENTS
IMPROVEMENT DISTRICT NO. TN-23-A
42 ST S / 47 AVE S
AMENDED 1/03/2024**

Nature & Scope

This project is for the installation of a HAWK signal on 42nd Street South near 47th Avenue South. The HAWK signal will help with pedestrian traffic movements and improve safety. Initial HAWK signal installation are typically 100% Special Assessed; however, this improved crossing has a direct benefit to the adjacent school and a greater benefit to the existing, or planned, regional trail system. Because of this, the costs are being 50% Special Assessed to the adjacent school parcels and 50% City Funded.

Purpose

The projects goal is to increase safety and convenience of the residents and the traveling public.

Special Assessment District

All properties within the Special Assessment District will benefit from the infrastructure improvements and were determined through consideration of the longevity, consistency, and uniformity of benefitting properties within the City of Fargo. Special Assessments will be levied to each property in accordance with the City's Infrastructure Funding Policy and are subject to the approval of the Special Assessment Commission and the City Commission.

Feasibility

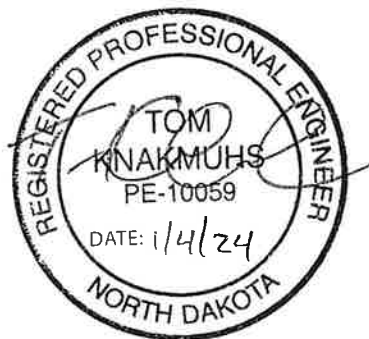
The estimated cost of construction is \$232,877.50. The cost breakdown is as follows:

42nd St			
Construction Cost			\$232,877.50
Fees			
Admin	4%		\$9,315.10
Contingency	5%		\$11,643.88
Engineering	10%		\$23,287.75
Interest	4%		\$9,315.10
Legal	3%		\$6,986.33
Total Estimated Cost			\$293,425.66
Funding			
Utility Funds - Street Lights - 528	50.00%		\$146,712.83
Special Assessments	50.00%		\$146,712.83

Project Funding Summary			
Utility Funds - Street Lights - 528	50.00%		\$146,712.83
Special Assessments	50.00%		\$146,712.83
Total Estimated Project Cost			\$293,425.66

This project does not have any alternate or optional containers.

We believe this project to be cost effective.



Thomas Knakmuhs


 Thomas Knakmuhs, PE
 City Engineer



(11)

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: DESI FLEMING 
DIRECTOR OF PUBLIC HEALTH

DATE: JANUARY 2, 2024

**RE: NOTICE OF GRANT AWARD FROM NORTH DAKOTA
DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR HIV
COUNSELING, TESTING, AND REFERRAL.
NO: G23.596 CFDA: 93.940 FOR \$20,297 PRJ: HE21
FUNDS: \$23,917
EXPIRES: 07/31/2024**

The attached notice of grant award is for Fargo Cass Public Health to assist with HIV counseling, testing, and referral in our community.

No Budget Adjustment.

If you have any questions, please contact me at 241.1380.

Suggested Motion:

Move to approve notice of grant award with ND Department of Health and Human Services.

DF/lls
Attachment



NOTICE OF GRANT AWARD
 NORTH DAKOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES
 SFN 53771 (04-2023)

Grant Number G23.596	CFDA Name HIV: HIV Prevention Activities Health Department Based GF: NA	CFDA Number HIV: 93.940 for \$20,927 GF: NA for \$2,990
FAIN Number HIV: NU62PS924540. GF: NA.	Grant Type (Check One) <input checked="" type="checkbox"/> Program <input checked="" type="checkbox"/> R&D	Grant Start Date 1/1/2024
Federal Award Date HIV:12/16/2021. GF: NA.	Federal Awarding Agency HIV: Department of Health and Human Services, Centers for Disease Control (CDC). GF: NA.	

This award is not effective and expenditures related to this award should not be incurred until all parties have signed this document.

Title of Project/Program HIV.HCV Counseling, Testing and Referral (CTR)	North Dakota Department of Health and Human Services (NDDHHS) Project Code HIV: 2201 HLH 5374 02: \$20,927 GF: 2201 HL 1239 01: \$2,990
Grantee Name Fargo Cass Public Health	Project Director Lindsey VanderBusch
Address: 1240 25 th Street South	Address: 600 East Boulevard Avenue, Dept. 325
City/State/ZIP Code: Fargo, ND 58103	City/State/ZIP Code: Bismarck, ND 58505-0250
Contact Name: Desi Fleming	Contact Name: Lindsey VanderBusch
Telephone Number: 701-241-1380	Telephone Number: 701-328-4555
Email Address: dfleming@fargond.gov	Email Address: lvanderbusch@nd.gov

	NDDHHS Cost Share	Grantee Cost Share	Total Costs
Amount Awarded	\$23,917	\$0	\$23,917
Previous Funds Awarded	\$0	\$0	\$0
Total Funds Awarded	\$23,917	\$0	\$23,917
Indirect Rate (Check One)	<input type="checkbox"/> Subrecipient waived indirect costs	<input checked="" type="checkbox"/> De minimis rate of 10%	<input type="checkbox"/> Negotiated/Approved rate of %

Scope of Service: Grantee will provide the following services: (1) collect blood specimens for rapid HIV/HCV testing for persons at risk of infection; (2) provide pre-test and post-test counseling to individuals being screened for HIV/HCV at a time and place appropriate for client and provider; (3) collect and provide blood specimens to confirm positive rapid screens to the NDDHHS Laboratory Services Section using the most recent laboratory specimen testing form; (4) submit the mandatory epidemiologic information on all test performed within one week of specimen collection via online reporting tool; (5) provide hepatitis A and B vaccinations to individuals in whom a risk factor has been identified or are positive for hepatitis C; (6) provide community outreach testing and education; (7) ensure access to HIV prevention supplies and educational materials; (8) provide linkage to medical care services for HCV positive individuals; (9) follow all requirements as written in the NDDHHS Counseling, Testing and Referral Manual; (10) file necessary records consistent with the Maven Security Policy; (11) conduct evaluative activities as requested by the Department; and (12) participate in HIV/HCV CTR site meetings, training, and activities as requested.

Reporting Requirements: Grantee must provide monthly expenditure and progress reports via the Program Reporting System (PRS). Expenditure report for the period ending June 30, 2024 must be received by July 15, 2024. Expenditure report for the period ending July 31, 2024 must be received by August 30, 2024. Epidemiologic data must be submitted using the online reporting tool within one week of specimen collection. Reimbursements will be processed upon Department approval of expenditures and progress reports.

Special Conditions: If the Grantee has the ability to bill third-party payers for these services, Grantee is expected to do so before requesting reimbursement from the Department.

This Notice of Grant Award is subject to the terms and conditions incorporated either directly or by reference in the following: (1) Requirements Addendum and Grantee Assurances for Notice of Grant Awards issued by the NDDHHS as signed by Grantee for the period of July 1, 2023 to June 30, 2025 [Finance Use Only: Requirements Received; Questionnaire received] and (2) applicable State and Federal regulations.

Evidence of Grantee's Acceptance		Evidence of NDDHHS Acceptance	
Date 01/02/2024	Signature <i>Desi Fleming</i>	Date	Signature
Typed Name/Title of Authorized Representative Desi Fleming, Director of Public Health		Typed Name/Title of Authorized Representative Lindsey VanderBusch, MPH, Unit Director Sexually Transmitted and Blood Borne Diseases	
Date	Signature	Date	Signature
Typed Name/Title of Authorized Representative		Typed Name/Title of Authorized Representative Dirk D. Wilke, J.D., M.B.A., Executive Director of Public Health	


If attachments are referenced, they must be returned with the signed award.
 If you did not receive attachments as indicated, contact the Program Director identified above.



12

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: DESI FLEMING 
DIRECTOR OF PUBLIC HEALTH

DATE: JANUARY 2, 2024

**RE: NOTICE OF GRANT AWARD FROM NORTH DAKOTA
DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR
INCREASING TB INFECTION IDENTIFICATION AND
TREATMENT.**
NO: G23.627 CFDA: 93.116 FOR \$17,820 PRJ: HE14
FUNDS: \$27,820
EXPIRES: 12/31/2024

The attached notice of grant award is for Fargo Cass Public Health to assist in increasing TB infection identification and treatment.

No Budget Adjustment.

If you have any questions, please contact me at 241.1380.

Suggested Motion:

Move to approve notice of grant award with ND Department of Health and Human Services.

DF/lls
Attachment



NOTICE OF GRANT AWARD
NORTH DAKOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES
 SFN 53771 (04-2023)

Grant Number G23.627	CFDA Name TB: Project Grants and Cooperative Agreements for Tuberculosis Control Programs. DC: N/A	CFDA Number TB: 93.116 for \$17,820 DC: N/A for \$10,000
FAIN Number TB:NU62PS924540. DC:N/A.	Grant Type (Check One) <input checked="" type="checkbox"/> Program <input type="checkbox"/> R&D	Grant Start Date 1/1/2024
Federal Award Date TB: 12/16/2021. DC: N/A	Federal Awarding Agency TB: Centers for Disease Control and Prevention. DC: N/A.	Grant End Date 12/31/2024

This award is not effective and expenditures related to this award should not be incurred until all parties have signed this document.

Title of Project/Program Increasing TB Infection Identification and Treatment	North Dakota Department of Health and Human Services (NDDHHS) Project Code TB: 2201 HLH5394-01: \$17,820. DC: 2201 HL1243-04: \$10,000.
Grantee Name: Fargo Cass Public Health	Project Director: Lindsey VanderBusch
Address: 1240 25 th Street South	Address: 600 East Boulevard Avenue, Dept. 325
City/State/ZIP Code: Fargo, ND 58103	City/State/ZIP Code: Bismarck, ND 58505-0250
Contact Name: Desi Fleming	Contact Name: Lindsey VanderBusch
Telephone Number: 701-241-1380	Telephone Number: 701-328-4555
Email Address: dfleming@fargond.gov	Email Address: lvanderbusch@nd.gov

	NDDHHS Cost Share	Grantee Cost Share	Total Costs
Amount Awarded	\$27,820	\$0	\$27,820
Previous Funds Awarded	\$0	\$0	\$0
Total Funds Awarded	\$27,820	\$0	\$27,820
Indirect Rate (Check One)	<input type="checkbox"/> Subrecipient waived indirect costs	<input checked="" type="checkbox"/> De minimis rate of 10%	<input type="checkbox"/> Negotiated/Approved rate of %

Scope of Service
 Grantee agrees to: 1) direct tuberculosis (TB) screening activities ONLY to populations determined as high-risk* for TB within their jurisdiction; 2) provide appropriate referral and follow-up for persons identified with latent TB infection; 3) assure that at least 90% of persons identified with TB infection at the agency initiate and complete treatment; 4) conduct all activities in accordance with the Centers for Disease Control and Prevention (CDC) and the NDDHHS's recommendations and guidelines; 5) conduct all activities with the involvement of health care professionals trained and/or with experience with TB screening procedures, and 6) submit request for reimbursement on a quarterly basis no later than 15 days after the end of each quarter and other documentation as requested by the TB program via the Program Reporting System (PRS).
 *High-risk populations: refugees, migrants, or recent arrivals from high incidence countries high-risk racial/ethnic populations within the jurisdiction the homeless; injection drug users; recent contacts of an active TB case. Residents of high-risk congregate settings (i.e., jail/prison populations, nursing homes (not employees) and other long-term care facilities for the elderly hospitals (not employees) and other health-care facilities (not employees), residential facilities and homeless shelters) and persons with clinical conditions that place them at high-risk (i.e., people living with HIV/AIDS, other immunosuppressive conditions, or persons with abnormal chest x-rays, etc.).

Reporting Requirements
 Contractor must provide at least quarterly expenditure and activity reports via the Program Reporting System (PRS). Expenditure report for the period ending June 30, 2024 must be received by July 15, 2024. Final invoice and post analysis report for the period ending December 31, 2024 must be received by February 15, 2025. Reimbursement will be processed upon Department approval of expenditures and activity reports.

Special Conditions: None.
 This Notice of Grant Award is subject to the terms and conditions incorporated either directly or by reference in the following: (1) Requirements Addendum and Grantee Assurances for Notice of Grant Awards issued by the NDDHHS as signed by Grantee for the period of July 1, 2023 to June 30, 2025 [Finance Use Only: Requirements Received; Questionnaire received] and (2) applicable State and Federal regulations.

Evidence of Grantee's Acceptance		Evidence of NDDHHS Acceptance	
Date 01/02/2024	Signature <i>Desi Fleming</i>	Date	Signature
Typed Name/Title of Authorized Representative Desi Fleming, Director of Public Health		Typed Name/Title of Authorized Representative Lindsey VanderBusch, MPH, Unit Director Sexually Transmitted and Blood Borne Diseases	
Date	Signature	Date	Signature
Typed Name/Title of Authorized Representative Timothy J. Mahoney, City of Fargo, Mayor		Typed Name/Title of Authorized Representative Dirk D. Wilke, J.D., M.B.A., Executive Director of Public Health	

If attachments are referenced, they must be returned with the signed award.
 If you did not receive attachments as indicated, contact the Program Director identified above.



(13)

Memorandum

DATE: January 8, 2024
TO: Board of City Commissioners
FROM: Shawn Ouradnik, Inspections Director
SUBJECT: Vendor for junk vehicle removal contract

Attached are bids received for the provision of junked vehicle removal services for the coming calendar year of 2024. Bids were sought from Aggressive Towing & Recovery, Ed's Towing Service, Hazer's Auto & Truck Parts, and Fargo Moorhead Towing (Northland Towing). The department received only one bid back from Fargo Moorhead Towing (Northland Towing) of the four solicited.

This process is routine and annual. The department received only one bid back from Fargo Moorhead Towing (Northland Towing) of the four solicited.

The recommendation is: **Accept the bid and enter into contract with Fargo Moorhead Towing (Northland Towing) for the removal of junk vehicles.**

Fargo Moorhead Towing Northland Towing

	Bid amount
Impound Light Duty -	<u>150.00</u>
Impound Medium Duty -	<u>200.00</u>
Impound Heavy Duty -	<u>250.00</u>
Dolly charges -	<u>30.00</u>
Mileage -	<u>\$5.00 per mile</u>
Admin fee -	<u>40.00</u>
Daily Storage Light Duty -	<u>50.00</u>
Daily Storage Medium Duty -	<u>75.00</u>
Daily Storage Heavy Duty -	<u>100.00</u>
Extra labor/hr. -	<u>50.00</u>
Additional charge <u>winching</u> -	<u>125.00 minimum</u>
Additional charge _____ -	_____

Notes-

Provide bids for all categories.

If any other charges please explain.

Lynette Janssen
Office Manager

AGREEMENT

This agreement, made and entered into this 8th day of January 2024, by and between the City of Fargo, a municipal corporation ("City"); and Fargo Moorhead Towing of Fargo, North Dakota ("Contractor").

PREMISES:

- A. City has solicited proposals for the removal, impound and disposition of junk cars.
- B. Contractor has submitted a proposal for such removal, impound and disposition.
- C. City has determined that the proposal submitted by contractor is the most advantageous to the City.
- D. The parties entered into a contract on January 8, 2024.
- E. The parties mutually agree that certain amendments to that contract are necessary.
- F. The parties wish to reduce their supplemental agreement to writing.

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

1. Contractor agrees to provide prompt wrecker services to the City of Fargo for the removal of junk cars, as may be designated by the City; in the event the contractor is unable, for any reason, to furnish prompt wrecker services, they will be required to hire another firm to remove junk cars, at its expense.
2. Contractor will provide a suitably fenced storage area and will retain all vehicles picked up for a minimum period of ninety days.
3. During the ninety-day holding period, the owner of such vehicle may take possession thereof by paying to the Contractor an impound fee of \$150 Light Duty/\$200 Medium Duty/\$250 Heavy Duty and a per day storage charge of \$50 Light Duty/\$75 Medium Duty/\$100 Heavy Duty. An administrative fee of \$40 may apply, and, if needed, dollies/skates/go jacks may be used, in which, a \$30 fee will apply and a \$125 minimum charge for winching will apply when needed. If additional labor for circumstances need to provide the services listed above is necessary, a \$50 fee per hour of additional labor shall apply. No vehicle may be removed by the owner which does not have a current automobile registration tag.
4. Any vehicles which are not claimed by the owner within the ninety-day period shall be retained by Contractor for salvage purposes.

5. Contractor shall, on the first day of each month, furnish the City with an accounting which shall consist of a list of all vehicles which are picked up and impounded and all vehicles which are claimed by the owner

6. Contractor agrees to dismantle for parts or crush all motor vehicles which are not claimed by the owner and retained by contractor all possible polluting chemicals and other hazards will be removed and disposed of properly. No motor vehicle shall be sold to the public at large.

7. The term of this agreement shall be from January 8, 2024 through December 31, 2024. This agreement may be terminated at any time by either party upon giving thirty days written notice of such termination.

Dated this 8th day of January 2024.

CITY OF FARGO

BY _____
Its Mayor

Fargo Moorhead Towing

BY 
Its President



**FLEET MANAGEMENT, FORESTRY
STREETS & SEWERS
WATERMANS & HYDRANTS**
402 23rd Street North
Fargo, ND 58102
Phone: 701.241.1453 | Fax: 701.241.8100
FargoND.gov

14

January 3, 2024

The Honorable Board of City Commissioners
City of Fargo
225 4th Street N
Fargo, ND 58102

RE: Public Works South Side Fuel Station (ITB24028) – Bid Acceptance and Award

Commissioners:

Beginning on November 3, 2023, Fargo Public Works published an advertisement requesting bids (ITB24028) for general construction, mechanical and electrical of a new fueling station to be located at 3949 40th Avenue S. Bids were received December 20, 2023, from three single prime general contractors, one multiple prime general contractor, and one multiple prime electrical contractor.

Based on review of all bids received, staff is recommending award to the low bidder, Gast Construction Company, Inc. under a single prime contract.

Division 1 – Single Prime Bidder	Contract	Base Bid
Gast Construction Company, Inc.	Single Prime	\$1,159,700.00
Total Bid		\$1,159,700.00
Engineer's Opinion of Cost		\$1,716,019.00

RECOMMENDED MOTION: I/we hereby move based on advertisement for bids (ITB24028) to accept the bids and award to the low bidder, Gast Construction Company, Inc. at a base bid of \$1,159,700.

Respectfully submitted,

Ben Dow
Public Works Director



300 23rd Ave E, Suite 100
 West Fargo, ND 58078
 701 232 5353
 KLJENG.COM

December 20, 2023

Ben Dow
 Director of Public Works
 City of Fargo
 402 23rd Street North
 Fargo, ND 58102

Re: Recommendation of Award for South Side Fuel Station

Bids on the referenced project were opened on December 20, 2023. A total of 5 bids were received. Three for a single prime bid (Division 1), one for multiple prime (Division 2) – general construction and two for multiple prime (Division 2) – electrical construction. In addition, 2 bids were rejected for failing to include the bid bond, contractor’s license, and acknowledgment of addenda. The bids were reviewed for mathematical errors, and none were found. All accepted bids appear to be responsive.

The apparent low bidder submitting a bid is listed below for the single prime contract under Division 1. The Division 1 bid is less than the sum of the lowest responsible electrical and general bids submitted under the Division 2 – Multiple Prime Bid.

Division 1 – Single Prime Bidder	Contract	Base Bid
Gast Construction Company, Inc.	Single Prime	\$1,159,700.00
Total Bid		\$1,159,700.00
Engineer’s Opinion of Cost		\$1,716,019.00

As bid, the bid price is approximately \$550,000, or 32%, less than the engineer’s opinion of cost.

It is our recommendation to move forward with the award of the contract to the apparent low single prime bidder, Gast Construction, if the owner determines they are responsible.

If you elect to move forward with awarding the contract to Gast Construction, you will find the *Notice of Award* attached for your approval. Please date (top of the document), sign and return to our office. We will send to the successful bidder for their signature and then return a copy to you for your records.



300 23rd Ave E, Suite 100
West Fargo, ND 58078
701 232 5353
KLJENG.COM

If you have any questions, please contact our office.

Sincerely,

KLJ Engineering LLC

A handwritten signature in blue ink, appearing to read 'Scott Middaugh'.

Scott Middaugh, PE
Project Manager

Project No.: 1904-01296

Copy To: File
Enclosure(s): (1) Bid tabulation (1) Notice to Award

Bid Opening December 20, 2023 @ 11:45am
 South Side Fueling Station
 City of Fargo



Bidder Name	Acknowledge Addenda							Contractor License	Bid Bond	Division 1: Single Prime	Division 2: Multiple Prime Bidders			
	#1	#2	#3	#4	#5	#6	#7				General	Electrical		
All Finish Concrete, Inc.									\$		\$			
Gast Construction	X	X	X	X	X	X	X	X	\$	1,159,700.00	\$	\$		
AJ Construction, Inc.									\$		\$	\$		
ODay Equipment									\$		\$	\$		
Valley Petroleum									\$		\$	\$		
Minnesota Petroleum Service									\$		\$	\$		
KPH, Inc.									\$		\$	\$		
Key Contracting, Inc.	X	X	X	X	X	X	X	X	\$	1,749,000.00	\$	\$		
KW Drilling Services ND LLC.									\$		\$	\$		
Opp Construction / Fargo									\$		\$	\$		
Park Construction									\$		\$	\$		
Northwest Contracting									\$		\$	\$		
Monsters Contracting, Inc. dba L2 Contracting	X	X	X	X	X	X	X	X	\$	1,803,130.00	\$	220,000.00		
Superior Electric	X	X	X	X	X	X	X	X	\$		\$	188,751.00		
									\$		\$	\$		
									\$		\$	\$		
Total Engineer's Opinion of Cost									\$	1,716,019.00	\$	1,583,769.00	\$	132,250.00

Tabulation of Bids Prepared by:  Date: 12/20/2023
 KLU Engineering LLC

NOTICE OF AWARD

Date of Issuance:

Owner:	City of Fargo	Owner's Project No.:	
Engineer:	KLJ Engineering LLC	Engineer's Project No.:	1904-01296-7
Project:	South Side Fueling Station		
Contract Name:	Single Prime Contract		
Bidder:	Gast Construction Company, Inc.		
Bidder's Address:	3410 39 th St SW, Fargo, ND 58104		

You are notified that Owner has accepted your Bid dated **December 20, 2023**, for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

Fuel tanks, fuel pumps, water filling station, concrete pavement, curb and gutter, storm sewer, water service, sanitary sewer service, electrical service and other incidentals. Contractor shall be responsible for installation and warranties associated with fuel tanks, pump station, and water filling station.

The Contract Price of the awarded Contract is **\$1,159,700.00**. Contract Price is subject to adjustment based on the provisions of the Contract, including but not limited to those governing changes, Unit Price Work, and Work performed on a cost-plus-fee basis, as applicable.

Three (3) unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award or has been transmitted or made available to Bidder electronically.

Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner **three (3)** counterparts of the Agreement, signed by Bidder (as Contractor).
2. Deliver with the signed Agreement(s) the Contract security (such as required performance and payment bonds) and insurance documentation, as specified in the Instructions to Bidders and in the General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any): **Submit Certificate of Insurance and Certificate of Workers' Compensation Insurance**

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

Within 10 days after you comply with the above conditions, Owner will return to you one fully signed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner: **City of Fargo**

By (signature): _____

Name (printed): Timothy Mahoney

Title: Mayor

Copy: Engineer