FARGO CITY COMMISSION AGENDA
Monday, April 5, 2021 - 5:00 p.m.

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

A. Pledge of Allegiance.

B. Roll Call.

C. Approve Order of Agenda.

D. Minutes (Regular Meeting, March 22, 2021).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. 1st reading of an Ordinance Relating to Classification of Ordinance Violations.

2. 2nd reading and final adoption of an Ordinance Rezoning a Certain Parcel of Land Lying in Chas A. Roberts Addition.

3. Agreement for Property Demolition for property located at 1021 10th Street North and Memorandum of Agreement Regarding Agreement for Property Demolition with Select Portfolio Servicing, Inc.

4. Site Authorizations for Games of Chance:
   a. Jon Greenley Amvets Post #7 at the Hi-Ho Burgers and Brews and Amvets.
   b. Red River Human Services Foundation at The Elks Lodge #260 and The Northern.
   c. Plains Art Museum at Wild Bill's Sports Saloon, King Pin Casino (The Bowler), Blue Wolf Casino (Cactus Jack's/West Acres Bowl) and Big Top Bingo.
   d. Horse Race North Dakota at Edgewood Tavern.
   e. Boys & Girls Club of the Red River Valley at Fargo Billiards/Gastropub (amended).

5. Application for Games of Chance for Fargo Lions for a sports pool from 9/13/21 to 12/27/21.

6. Transfer of the Class "FA" Alcoholic Beverage License from Chef's Table at 670 4th Avenue North to The Boiler Room at 210 North Broadway and a six-month extension of the Class "FA-RZ" Alcoholic Beverage License once held at The Boiler Room.

7. Sole Source Procurement and Purchase Agreement with Haworth, Inc. for office furniture (SSP21082).

8. Maintenance Agreement (Public Right of Way) with EOLA Landholdings, LLC.

9. Permanent Easement (Flood Levee) and Easement (Temporary Construction Easement) with David J. Clardy 2017 Revocable Trust in association with Project No. FM-19-E.

10. Amendment to License Agreement with Malcolm Butler and Carol Pearson, and Easement (Temporary Construction Easement) and Permanent Easement (Levee for Flood Control) with Malcolm G. Butler (Project No. FM-19-F).

11. Encroachment Agreement (Balcony Installation) with Mosaic Group, LLC.

12. Bid award for Project Nos. FM-19-F1 and SR-21-A1.

13. State Water Commission request for cost reimbursement for the FM Metro Area Flood Risk Management Project for costs totaling $9,862,646.70.

14. Notice of Grant Award with the ND Department of Health and Human Services for Title X Family Planning Program (CFDA #93.217).

15. Agreement with Richland County Health Department.

16. Notice of Grant Award Amendment with the ND Department of Health for Family Planning PHQ-2 and PHQ-9 Screening (CFDA# 93.994).

17. Subaward Agreement with the National Environmental Health Association.

18. Set April 19, 2021 at 5:15 p.m. as the date and time for a hearing on a dangerous building at 1343 2nd Avenue South.

19. Memorandum of Understanding with Family Healthcare Center, Inc.

20. Change Order No. 3 for a time extension to the substantial completion date to 4/30/21 for the GTC Underground Project (BP0041).

21. Waiver of Protest Agreement with Arcadia-Park View, LLC.

22. Resolution Approving Plat of Timber Parkway Fifth Addition.

23. Sole Source Procurement with czb, LLC (SSP21051).

24. Bid award for fuel purchase for the 3rd and 4th quarters of 2021 (RFV21027).

25. Bid award for 2021 oil products (RFP21065).

26. Bid award for 2021 filter products (RFP21064).

27. Extension of the Services Agreements – Lawn Maintenance Agreements with Glacier Snow Management Company, and Valley Green and Associates for the 2021 mowing season (RFP17063 and RFP17115).

28. Purchase of one S-330 Air Curtain Burner from Air Burners, Inc. in the amount of $187,287.66 (PBC21-S330).

29. Fargo Public Schools Garbage Collection Service Contract renewal through 10/31/26.

30. Change Order No. 4 in the amount of -$4,500.00 for GTC Remodel Project (AFB20017).

31. Budget adjustment for additional security services at the GTC and removal of the U-pass cost on the NDSU agreements for the 2020-2021 academic year.

32. Amendment No. 1 for Task Order No. 8 with Apex Engineering Group in the amount of $17,800.00 for Project No. WA1910.

33. Task Order No. 10 with Apex Engineering Group in the amount of $681,160.00 for Project No. WA1910.

34. Change Orders for Project No. WA1863:
    a. No. 1 for an increase of $72,000.00 and a 46-day time extension (general contract).
    b. No. 1 for an increase of $8,016.89 (electrical contract).

35. Change Order No. 2 for an increase of $30,900.00 for Project No. WA2004.

36. Contracts and bonds for Project Nos. PR-21-A1, PR-21-B1 and WA2005 (electrical, mechanical and construction).

37. Bills.

38. Change Order No. 2 for a time extension to the substantial completion date of 6/30/21 for Improvement District No. NN-19-A1.

39. Request for Infrastructure contingent upon plat recordation, execution of the Special Assessment Agreement and Letter of Credit for Improvement District No. BN-21-J1.

40. Contract award for consulting services to Apex Engineering Group for Improvement District No. BN-20-A2.

41. Bid awards for Improvement District Nos. BR-21-E1 and PR-21-C1.

42. Create Improvement District Nos. BN-21-B, PN-21-A, PR-21-G and SL-21-B.

43. Contract and bond for Improvement District No. FP-19-A1 (general contract).

REGULAR AGENDA:

44. **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).**

45. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
    a. Application to transfer the Class "FA-Golf" Alcoholic Beverage License from Big Erv's Bar and Grill, LLC d/b/a Big Erv's at Rose Creek to Living the Dream, LLC d/b/a Legends at 1500 East Rose Creek Parkway South; continued from the 3/22/21 Regular Meeting.

    b. Application for a Class "ABH" Alcoholic Beverage License for Aparium Hotel Group, LLC d/b/a Jasper Hotel to be located at 215 Broadway North; continued from the 3/22/21 Regular Meeting.

    c. Application to transfer a Class "FA" Alcoholic Beverage License from Lucky U, LLC d/b/a Lucky's 13 Pub to Eclectic Culinary Concepts, Inc. d/b/a Lucky's 13 Pub located at 4301 17th Avenue South (more than a 5% ownership change).

    d. Application to transfer a Class "GH" Alcoholic Beverage License from Harihar, LLC d/b/a Himalayan Yak to 4 Stars Group, LLC d/b/a Himalayan Yak located at 1450 25th Street South, Suite 160 (more than a 5% ownership change).

e. Application to transfer a Class "H" Alcoholic Beverage License from Pizza Ranch 45 St., Inc. d/b/a Pizza Ranch located at 4480 23rd Avenue South (stock ownership change, no corporate name change).

f. Application filed by Packet Digital, LLC for a property tax exemption for a project located at 3241 University Drive South which the applicant will use to launch a new project to design, build assemble and ship drone and space battery management systems.

g. Application filed by Tecton Products, LLC for a Payment in Lieu of Tax Exemption for a project located at 4401 15th Avenue North which the applicant will use in the operation of design and manufacturing custom fiberglass pultrude parts.

h. Renewal Plan for the Tax Increment Financing District No. 2021-01 (redevelopment of sites between 4th Street and the Red River from 7th Avenue South to 5th Avenue North).

46. COVID-19 Update:
    a. Fargo Cass Public Health Update.
    b. City of Fargo Temporary Employment Policy.
    c. Discussion regarding the Emergency Declaration.

47. Presentation by Gate City Bank regarding the Neighborhood Revitalization Initiative (NRI) Program.

48. Presentation of the 2020 Fargo Fire Department Annual Report.

49. Acceptance of the Urban Grant Program funds from the NDDOT for the 2nd Street Pedestrian Bridge.

50. Recommendation to change the review process for requests for Tax Increment Financing.

51. 2nd reading and final adoption of an Ordinance Relating to Restrictions on Sale, Service or Dispensing of Alcoholic Beverages; 1st reading on 3/22/21.

52. Update on the City of Fargo and Municipal Airport Authority separation process.

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

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

THE CITY OF Fargo
FAR MORE

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45a

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Legends

DATE: March 17, 2021

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

License Class:	FA-Golf	Full Alcohol at golf course
Business Name:	Legends	
Location:	1500 E Rose Creek Parkway South	
Applicants:	Marissa West, Cody Parr	

Being no significant concerns, the Liquor Control Board voted to approve the issuance of a Class FA-Golf alcoholic beverage license to Living the Dream LLC d/b/a Legends. The complete application is available for review in the Auditor's Office.

Recommended Motion:
Move to approve the issuance of a Class FA-Golf alcoholic beverage license to Living the Dream LLC d/b/a Legends.

Fargo Police Department

To: Chief David Zibolski

From: Lieutenant Mathew Sanders

Date: February 26th, 2021

RE: Liquor License Application Transfer (Legends)

Application for transfer of a Class "FA-Golf" Alcoholic Beverage License from Big Erv's Bar & Grill, LLC d/b/a Big Erv's at Rose Creek to Living the Dream, LLC d/b/a Legends to be located 1500 E. Rose Creek Pkwy. S.,

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

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

The following information was discovered through this investigation:

West, Marissa R. – Owner/Manager

Criminal History- A search of Fargo Police Department criminal records and North Dakota public records (publicsearch.ndcourts.gov) showed no criminal activity. A search of Minnesota public records (https://chs.state.mn.us/) verified a DUI conviction in Clay County, Minnesota with a disposition date of 6/1/2004. This was disclosed on the application.

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

Parr, Cody A. – Owner

Criminal History-	A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us/) showed no criminal activity.
Credit History-	Cody Parr's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Investigation Notes

This application is for transfer of a class "FA-Golf" Alcoholic Beverage License which allows the licensee to sell alcohol "on sale" at a USGA approved golf course with nine or more holes. A further requirement is 25% receipt of food sales from April to October and 50% the rest of the year. The investigation into the criminal and credit history of the applicants did not find any issues related to criminal activity or problems with their credit.

I ran a query through the website of the United States Golf Association (USGA). Rose Creek Golf Course is listed as an authorized course for the USGA.

On 2/26/2021 I contacted applicant Marissa West with some follow-up questions. Marissa did not check "yes" or "no" to the question on page five which reads, "Has your driver's license ever been suspended or revoked? If 'yes', where and when?" Marissa said her driver's license has been suspended once and that was in relation to her disclosed Clay County DUI in 2004.

The last question on page nine reads, "Do you plan to feature live entertainment? If 'yes', describe what you envision at the time, including how often such entertainment will take place." The application indicates the establishment plans to feature live entertainment, however there is no description of what type or the frequency.

Marissa said they plan on featuring solo acoustic artists approximately twice a month. They may also apply for a permit for outdoor entertainment during their grand opening or on other special occasions.

Business Location

Legends will take over the existing facility at Rose Creek Golf Course, located at 1500 E. Rose Creek Pkwy. S., Fargo, ND. I am not aware of any other licensed liquor establishments in that immediate area.

Conclusion

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

RECEIVED
FARGO POLICE DEPARTMENT
MAR 0 3 2021
DAVID B ZIBOLSKI
CHIEF OF POLICE
REF: L. C. B.

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

Approved

THE CITY OF Fargo
FAR MORE

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456

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Jasper Hotel

DATE: March 17, 2021

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

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

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

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

Fargo Police Department

To: Chief David Zibolski

From: Lieutenant Mathew Sanders

Date: February 26th, 2021

RE: Liquor License Application (Jasper Hotel)

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

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

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

The following information was discovered through this investigation:

Tricoci, Mario M. – Owner

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

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

Silverman, Howard S. – Owner

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

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

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

Brisch, Kylie M. – Manager

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

Investigation Notes

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

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

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

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

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

Mr. Tricoci stated the hotel will have 125 rooms.

Business Location

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

Conclusion

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

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

+ Approved

Received 2/24/2021
DC Anderson 9AM
Re: Chief Zibolski

45C

NOTICE OF HEARING

Application for Alcoholic Beverage License Transfer

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, April 5, 2021 at 5:15 o'clock p.m. to consider an application for transfer. A transfer requested of a Class "FA " Alcoholic Beverage License, Lucky U, LLC d/b/a Lucky's 13 Pub to Eclectic Culinary Concepts, Inc d/b/a Lucky's 13 Pub to be located at 4301 17 Ave S, due to more than a 5% ownership change.

Any interested person may appear and will be heard.

City Auditor's Office
(March 10, 2021)

THE CITY OF Fargo FAR MORE

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

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Transfer Application – Lucky's 13 Pub

DATE: March 17, 2021

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

License Class:	FA On-Sale full alcohol, requires 50% food, transfer
Business Name:	Lucky's 13 Pub
Location:	4301 17th Avenue South
Applicants:	Stephan Hesse Tyge Nelson and Charles Burrows

Being no significant concerns, the Liquor Control Board voted to approve the transfer of the license. The complete application is available for review in the Auditor's Office.

Recommended Motion:
Move to approve the transfer of a Class FA alcoholic beverage license to Lucky's 13 Pub.

Fargo Police Department

To: Chief David Zibolski

From: Sergeant Carlos Nestler

Date: March 15, 2021

RE: Liquor License Application Transfer (Lucky's 13 Pub)

Application for transfer of a Class "FA" Alcoholic Beverage License from Lucky U, LLC d/b/a: Lucky's 13 Pub to Eclectic Culinary Concepts, Inc. d/b/a Lucky's 13 Pub to be located at 4301 17th Ave. S

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

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

The following information was discovered through this investigation:

Hesse, Stephan James – President

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

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

Nelson, Tyge Brandon – VP Treasurer/Secretary

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

Credit History- Tyge B. Nelson's credit report was reviewed. There are no prior bankruptcies or debts turned over to collections. There was one auto loan where he was 30 days late on two occasions (in 2016).

Burrows, Charles Angelo – Owner

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

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

Barbeau, Tonya I. – Manager

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

Investigation Notes

This application is for a transfer of an "FA" liquor license (authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages) from Lucky U, LLC d/b/a: Lucky's 13 Pub to Eclectic Culinary Concepts, Inc. d/b/a Lucky's 13 Pub. The transfer is due to a more than 5% ownership change.

The "Notice of Hearing" sheet contained a typo. It incorrectly stated the new name is *Electric* Culinary Concepts. It should be *Eclectic* Culinary Concepts, Inc.

The same manager has been managing the business since 2011.

The investigation into the criminal and credit history of the applicants did not find any issues related to criminal activity or problems with their credit.

Business Location

Lucky's 13 is located at 4301 17th Ave. S., Fargo, ND. Other businesses in the area with an alcoholic beverage license include: Johnny Carino's, Buffalo Wild Wings, Granite City Food & Brewery, Urban 42 Kitchen and Bar (in the Delta Hotel) and Porter Creek Hardwood Grill.

Conclusion

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

45d

NOTICE OF HEARING

Application for Alcoholic Beverage License Transfer

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, April 5, 2021 at 5:15 o'clock p.m. to consider an application for transfer. A transfer requested of a Class "GH " Alcoholic Beverage License, Harihar, LLC d/b/a Himalayan Yak to 4 Stars Group, LLC d/b/a Himalayan Yak to be located at 1450 25 St S, Suite 160, due to more than a 5% ownership change.

Any interested person may appear and will be heard.

City Auditor's Office
(March 10, 2021)

THE CITY OF Fargo FAR MORE

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MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Transfer Application – Himalayan Yak

DATE: March 17, 2021

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

License Class:	GH On-Sale Beer & Wine, requires 50% food, transfer
Business Name:	Himalayan Yak
Location:	1450 25th Street South, Suite 160
Applicants:	Lama Bijay & Padam Gurung

Being no significant concerns, the Liquor Control Board voted to approve the transfer of the license. The complete application is available for review in the Auditor's Office.

Recommended Motion:
Move to approve the transfer of a Class GH alcoholic beverage license to Himalayan Yak.

Fargo Police Department

To: Chief David Zibolski

From: Sergeant Carlos Nestler

Date: March 16, 2021

RE: Liquor License Application Transfer (Himalayan Yak)

Application for transfer of a Class "GH" Alcoholic Beverage License from Harihar, LLC d/b/a Himalayan Yak to 4 Stars Group, LLC d/b/a Himalayan Yak, to be located at 1450 25 St. S., Suite 160, due to more than a 5% ownership change.

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

During this investigation I examined the applicants' credit reports and public records criminal background.

The following information was discovered through this investigation:

Lama, Bijay – Owner

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

Credit History- Bijay Lama's credit report was reviewed. There are no prior bankruptcies. He had one account which is listed as a collected account (2018, paid). He also had a mortgage loan which showed one past payment was 30 days delinquent (2019).

Gurung, Padam Bahadur –Owner/Chef (Also has name listed as Padam Gurung Gurung.)

Criminal History-	A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us/) showed no criminal activity. Also has name listed as Padam Gurung Gurung.
Credit History-	Padam B. Gurung's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Investigation Notes

This application is for a transfer of a class "GH" Alcoholic Beverage License which allows the licensee to sell beer, wine and sparkling wine in an "on sale" capacity at a table or booth with no bar and 50% food sales. The business model and application is so customers can consume an alcoholic beverages with their meal. The establishment will not be designed as a place to only consume drinks without ordering a meal.

Padam Gurung has been an owner for five years. Bijay Lama is a new owner. Padam's past business partner is no longer involved in ownership of the business.

I spoke to Bijay Lama and Padam Gurung by phone on March 15, 2021. I asked Padam about him checking both the "yes" and "no" box for a question asking if his liquor license has ever been suspended or revoked. Padam gave the phone to Bijay Lama. Bijay explained Padam misunderstood the question and initially marked "yes", then crossed out the check mark. He then checked the "No" box. They clarified the answer to the question is "no". They have not had a liquor license suspended or revoked.

I also asked Bijay Lama about the $318 account that went to collections. He said he co-signed a lease for a friend's apartment and he put the wrong address on the application. The friend did not pay the rent and the letter went to the wrong address. Once he was notified of the overdue account, he said he paid it immediately.

The investigation into the criminal and credit history of the applicants did not find any issues related to criminal activity or problems with their credit.

Business Location

Himalayan Yak is located at 1450 25 St. S., Suite 160, Fargo, ND. Other businesses in the area with an alcoholic beverage license include: Leela Thai Cuisine.

Conclusion

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

45e

NOTICE OF HEARING

Application for Alcoholic Beverage License Transfer

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, April 5, 2021 at 5:15 o'clock p.m. to consider an application for transfer. A transfer requested of a Class "H " Alcoholic Beverage License, Pizza Ranch 45 St, Inc d/b/a Pizza Ranch with a stock ownership change, no corporate name change to be located at 4480 23 Ave S, Fargo.

Any interested person may appear and will be heard.

City Auditor's Office
(March 10, 2021)

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FAR MORE

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www.FargoND.gov

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Transfer Application – Pizza Ranch

DATE: March 17, 2021

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

License Class:	H On-Sale Beer, requires 50% food, transfer
Business Name:	Pizza Ranch
Location:	4480 23rd Ave South
Applicants:	Michael Christianson and Angela Christianson

Being no significant concerns, the Liquor Control Board voted to approve the transfer of the license. The complete application is available for review in the Auditor's Office.

Recommended Motion:
Move to approve the transfer of a Class H alcoholic beverage license to Pizza Ranch.

Fargo Police Department

To: Chief David Zibolski

From: Sergeant Carlos Nestler

Date: March 16, 2021

RE: Liquor License Application Transfer (Pizza Ranch)

Application for transfer of a Class "H" Alcoholic Beverage License from Pizza Ranch 45 St, Inc d/b/a Pizza Ranch with a stock ownership change only, no corporate name change, to be located at 4480 23 Ave. S.

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

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

The following information was discovered through this investigation:

Christianson, Michael Timothy – Owner/President

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

Credit History- Michael T. Christianson's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections. There were three accounts which were 30 days overdue in the past (2018 or before). All accounts are now current.

Christianson, Angela Marie –Secretary

Criminal History-	A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us/) showed no criminal activity. Wyoming and Montana do not have a free option to search public records.
Credit History-	Angela M. Christianson's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections. There were three accounts which had been 30 days late in the past and one account which had been 30 days late 4 times in the past. All accounts are now current.

Seek, Charity Lynn – Manager

Criminal History-	A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us/) showed no criminal activity. I also searched using the last name of "Black", since our local computer had her previously as Charity Lynn Black.

Investigation Notes

This application is for a transfer of an "H" Alcoholic Beverage License (authorizes the licensee to sell beer "on-sale" only, served at table or booth, with no bar allowed and requires 50% food sales.) from Pizza Ranch 45 St, Inc. d/b/a Pizza Ranch with a stock ownership change ***only***, no corporate name change. The investigation into the criminal and credit history of the applicants did not find any issues related to criminal activity or *major* problems with their credit.

The Notice of Hearing coversheet from the City of Fargo had the location of the restaurant listed as 1450 25 St. S. Suite 160, which is incorrect. The actual location of the restaurant is 4480 23 Ave. S., which is correctly listed on the application.

I spoke to Angela on March 16, 2021 by phone. Angela did not initial #1 through #9 on page 4 of the application. I emailed the form back to her to initial the 9 items. Angela initialed the form and emailed it back to me. The updated form is attached to the original application.

Michael and Angela own Pizza Ranch restaurants in Grand Forks and Minot in North Dakota and one in Casper, Wyoming. They also own four Pizza Ranch restaurants in Montana.

Business Location

Pizza Ranch is located at 4480 23rd Avenue S., Fargo, ND. Other businesses in the area with an alcoholic beverage license include: Applebee's Grill and Bar and Golf Addiction.

Conclusion

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

THE CITY OF Fargo
FAR MORE

Tax Exempt Review Committee
Fargo City Hall
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1340 | Fax: 701.241.1339
www.FargoND.gov

45f

March 31, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Attached is the application by Packet Digital, LLC. for a 5 year new industry property tax incentive, according to N.D.C.C. Chapter 40-57.1. This application is for an existing building that will contain the startup company. The company will be manufacturing battery and power management systems for drone and space vehicles.

Notices to competitors have been published. The Tax Exempt Review Committee has met to consider this application. No potential competitors appeared at the Tax Exempt Review meeting. This project meets our current policy. The application contains information regarding projected value of the property, the nature of jobs to be created, and a description of the product line. The applicant will pay the full land tax estimated at approximately $4,700 annually. The value of the building is estimated at $717,000, and the property tax savings would be about $10,500 per year.

The recommendation of the Tax Exempt Review Committee is to approve a 5-year property tax incentive.

SUGGESTED MOTION:
Approval of a 5-year, 100% exemption on improvements for Packet Digital LLC. at 3241 University Dr. S.

Sincerely,

Mike Splonskowski
Tax Exempt Review Committee

Application For Property Tax Incentives For New or Expanding Businesses

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

Project Operator's Application To Fargo
City or County

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

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

This application is a public record

Identification Of Project Operator

1. Name of project operator of new or expanding business: Packet Digital, LLC
2. Address of project: 3241 University Drive
   City: Fargo County: Cass
3. Mailing address of project operator: 201 N. 5th Street
   City: Fargo State: ND Zip: 58102
4. Type of ownership of project
   - ☐ Partnership
   - ☐ Subchapter S corporation
   - ☐ Individual proprietorship
   - ☐ Corporation
   - ☐ Cooperative
   - ☑ Limited liability company
5. Federal Identification No. or Social Security No. [redacted]
6. North Dakota Sales and Use Tax Permit No. [redacted]
7. If a corporation, specify the state and date of incorporation: North Dakota
8. Name and title of individual to contact: Terri Zimmerman, CEO
   Mailing address: 201 North 5th Street
   City, State, Zip: Fargo, ND, 58102 Phone No.: 7013654421

Project Operator's Application For Tax Incentives

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

☑ **Property Tax Exemption**	☐ **Payments In Lieu of Taxes**
5 Number of years	_____ Beginning year _____ Ending year
100 Percent of exemption	_____ Amount of annual payments (attach schedule if payments will vary)

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

24734
(Rev. 2/14)

Description of Project Property

11. Legal description of project real property

~~Lot: 5 Block: 1 SCHULTZ & WILLIAMS ELY 235' OF LTS 5 & 6, BLK 1 **12-24-98 SPL FR 01-2740-00110-000~~

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

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?
☑ Yes ☐ No

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

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

If existing facility, when was it constructed? 1977

If new construction, complete the following:

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

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

c. Projected number of construction employees during the project construction

14. Approximate date of commencement of this project's operations June 1, 2021

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

a. Land ..... $ 322,000

b. Existing buildings and structures for which an exemption is claimed ..... $ 717,100

c. Newly constructed buildings and structures when completed ..... $

d. Total ..... $ 1,039,100

e. Machinery and equipment ..... $ 154,000

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

a. Land (not eligible) .....

b. Eligible existing buildings and structures ..... $ 35,855

c. Newly constructed buildings and structures when completed ..... $

d. Total taxable valuation of property eligible for exemption (Add lines b and c) ..... $ 35,855

e. Enter the consolidated mill rate for the appropriate taxing district 292.12

f. Annual amount of the tax exemption (Line d multiplied by line e) ..... $ 10,474.00

Description of Project Business

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

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

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

The location will be used to launch a new project to design, build, assemble, and ship drone and space vehicle battery management systems and power management solutions for Lockheed Martin and the Air Force Research Lab's Space Mission Group.

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

Shelving Units, ESD Chairs, Bar Code Readers, Welding Machines, Soldering Irons, Air Compressors, Air Dryer, Compressed Air Lines, Nibbler, Coat Sprayers, Torque drivers, WIP Carts, ESD Grounding Kit, Packing Tables, Electronic Benches, Station Computers, ESD Flooring, HVAC, Humidity Control, Lighting, Electrical

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

Year *(12 mo. periods)*	New/Expansion Project only Year 1	New/Expansion Project only Year 2	New/Expansion Project only Year 3	New/Expansion Project only Year 4	New/Expansion Project only Year 5
Annual revenue	6,125,000	12,200,000	20,150,000	30,450,000	44,350,000
Annual expense	6,063,750	11,590,000	18,336,500	26,491,500	36,367,000
Net income	61,250	610,000	1,813,500	3,958,500	7,983,000

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

Current positions & positions added the initial year of project

# Current Positions		New Positions Under $13.00	New Positions $13.01-$15.00	New Positions $15.01-$20.00	New Positions $20.01-$28.00	New Positions $28.01-$35.00	New Positions Over $35.00
19		0	0	0	4	4	5

Year		(Before project)	Year 1	Year 2	Year 3	Year 4	Year 5
No. of Employees	(1)	18	31	34	43	52	61
	(2)	1	1	1	1	1	1
Estimated payroll	(1)	1,585,16	2,462,9	2,642,8	3,147,5	3,667,3	4,202,7
	(2)	29,120	29,994	30,893	31,820	32,775	33,758

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

Previous Business Activity

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

23. Has the project operator conducted this business at this or any other location either in or outside of the state?

☐ Yes ☑ No

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

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

_____

_____

Business Competition

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

If YES, give name and location of competing business or businesses

_____

_____

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

Property Tax Liability Disclosure Statement

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

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

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

_____

_____

Use Only When Reapplying

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

☐ To present additional facts or circumstances which were not presented at the time of the original application

☐ To request continuation of the present property tax incentives because the project has:

- ☐ moved to a new location
- ☐ had a change in project operation or additional capital investment of more than twenty percent
- ☐ had a change in project operators

☐ To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

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

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

Signature	CEO Title	2/24/2021 Date

PRIVACY ACT NOTIFICATION

In compliance with the Privacy Act of 1974, disclosure of a social security number or Federal Employer Identification Number (FEIN) on this form is required under N.D.C.C. §§ 40-57.1-03, 40-57.1-07, and 57-01-15, and will be used for tax reporting, identification, and administration of North Dakota tax laws. Disclosure is mandatory. Failure to provide the social security number or FEIN may delay or prevent the processing of this form.

Certification of Governing Body (To be completed by the Auditor of the City or County)

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the _____ day of _____, 20____, granted the following:

☐ **Property Tax Exemption**

_____ Number of years

_____ Percent of exemption

☐ **Payments in lieu of taxes**

_____ Beginning year _____ Ending year

_____ Amount of annual payments (Attach schedule if payments will vary)

_____
Auditor

Exemption Evaluation Calculator 2020			121.7			131.5
Packet Digital			Points			Points
Project Type Code (Ctrl-C to view)		1	38.0		1	38.0
Current Number Of Employees	Year 1	19		Year 3	19	
Hourly Salary Without Benefits	# Jobs			# Jobs		
Under $13.00						
$13.01-$15.00						
$15.01-$20.00						
$20.01-$28.00	4	Pts. For # Jobs->	20.0	8	Pts. For # Jobs->	30.0
$28.01-$35.00	4	Pts. For $ Jobs->	15.7	8	Pts. For $ Jobs->	15.5
Over $35.00	5			9		
TOTAL # OF JOBS CREATED	13			25		
% GI w/ Local Competition (not downtown)		0%	25.0		0%	25.0
Value of Proposed Buildings		$ 717,100	10.0		$ 717,100	10.0
Downtown Location (Y/N)		N	0.0		N	0.0
Exemption Needed (Y/N)					0	
Startup Firm (Y/N)		y	13.0		y	13.0
Has Const Started or Has Bldg Been Occupied If Existing (Y/N)		n	0.0		n	0.0
Number of Years (Exemption)		5			5	
Building Age (if substantial renovation)			0.0			0.0
RECOMMENDATION IS TO		APPROVE			APPROVE	
Description		Manufacturing			Manufacturing	
Estimated New Annual Payroll		$840,320			$1,605,760	
Estimated Annual Real Estate Tax		$10,474			$10,474	
Estimated PV of Exemption		$45,347			$45,347	
Payroll / PV of Exemption		18.5			35.4	
Property Value / # of Jobs		$ 55,162			$ 28,684	
Total Value Of Benefit		$ 52,370			$ 52,370	

THE CITY OF Fargo
FAR MORE

Tax Exempt Review Committee
Fargo City Hall
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1340 | Fax: 701.241.1339
www.FargoND.gov

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March 31, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

RE: Payment in Lieu of Tax (PILOT) for Tecton Products LLC

Dear Commissioners:

Attached is the application made by Tecton Products LLC. for a 10 year payment in lieu of tax (PILOT) according to N.D.C.C. Chapter 40-57.1. This application is for an addition to the existing building to expand their operation, which involves the manufacture of custom fiberglass building components.

Notices to competitors have been published. The Tax Exempt Review Committee has met to consider this application. No potential competitors appeared at the Tax Exempt Review meeting. This project meets our current policy. The application contains information regarding projected value of the expansion, the nature of jobs to be created, and a description of the product line. The applicant will pay the full land tax estimated at approximately $45,600 annually.

The recommendation of the Tax Exempt Review Committee is to approve a 10-year payment in lieu of tax (PILOT).

SUGGESTED MOTION:
Approval of a 10-year payment in lieu of tax for Tecton Products LLC at 4401 15th Ave N with the following terms:

YEAR	IN LIEU PAYMENT	PILOT, Taxable Improvements & Land Tax
1	$0	$103,891
2	$0	$105,969
3	$0	$108,046
4	$0	$110,124
5	$0	$112,202
6	$33,540	$147,820
7	$68,300	$184,657
8	$104,279	$222,714
9	$141,478	$261,991
10	$161,907	$284,498

Sincerely,

Mike Splonskowski
City Assessor

Application For Property Tax Incentives For New or Expanding Businesses

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

Project Operator's Application To Fargo
City or County

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

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

This application is a public record

Identification Of Project Operator

1. Name of project operator of new or expanding business Tecton Products LLC
2. Address of project 4401 15th Ave NW
   City Fargo County Cass
3. Mailing address of project operator PO Box 2712
   City Fargo State ND Zip 58102
4. Type of ownership of project
   - ☐ Partnership
   - ☐ Corporation
   - ☐ Subchapter S corporation
   - ☐ Cooperative
   - ☐ Individual proprietorship
   - ☑ Limited liability company
5. Federal Identification No. or Social Security No. [redacted]
6. North Dakota Sales and Use Tax Permit No. [redacted]
7. If a corporation, specify the state and date of incorporation N/A
8. Name and title of individual to contact Lisa Giese
   Mailing address PO Box 2712
   City, State, Zip Fargo, ND 58102 Phone No. 701-433-3600

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.
   - ☐ **Property Tax Exemption**
     - _____ Number of years
     - _____ Percent of exemption
   - ☑ **Payments In Lieu of Taxes**
     - 2022 Beginning year 2031 Ending year
     - See sched Amount of annual payments (attach schedule if payments will vary)
       Schedule A
10. Which of the following would better describe the project for which this application is being made:
    - ☐ New business project
    - ☑ Expansion of a existing business project

24734
(Rev. 2/14)

Description of Project Property

11. Legal description of project real property

~~Lot: 1 Block: 1 MARVIN SUBD LT 1 BLK 1 ALSO PT LOT 2 BLK 1 TECTON GPK DESC AS BEG AT SE COR LT 2~~ THE N S 89 DEG 05 MIN 57 SEC W ALG SLY LN LT 2 1163.34 ' TO SW COR LT 2 THEN N 00 DEG 06 MIN 20 SEC W ALG WLY LN LT 2 349.84' THEN N 89 DEG 49 MIN 50 SEC E 1162.86' TO PT OF INTER WITH ELY LN LT 2

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

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?
☐ Yes ☐ No

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

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

If existing facility, when was it constructed? 1992 and expanded in 1997

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application July 2021

b. Description of project to be constructed including size, type and quality of construction
Approximately 100,000 square feet manufacturing facility expansion. The construction will be pre-cast concrete.

c. Projected number of construction employees during the project construction 50-60

14. Approximate date of commencement of this project's operations 9/1/2022

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

a. Land ..... $ 3,288,000

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

c. Newly constructed buildings and structures when completed ..... $ ~~16,000,000~~ $11,000,000

d. Total ..... $ ~~19,288,000~~ $14,288,000

e. Machinery and equipment ..... $ 6,500,000

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

a. Land (not eligible) ..... [redacted]

b. Eligible existing buildings and structures ..... $ 0

c. Newly constructed buildings and structures when completed ..... $ ~~800,000~~ $550,000

d. Total taxable valuation of property eligible for exemption (Add lines b and c) ..... $ ~~800,000~~ $550,000

e. Enter the consolidated mill rate for the appropriate taxing district 277.19

f. Annual amount of the tax exemption (Line d multiplied by line e) ..... $ ~~221,752.00~~ $152,455.00

Description of Project Business

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

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

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

Tecton Products designs and manufactures custom fiberglass pultrued parts as an OEM supplier to several industries. Pultrusion is the process of pulling fiberglass through a proprietory resin and heated die to form a profile shape. We coat our products with a high quality finish to withstand the harshest environments. Our products are ideal for use as window and door parts, fence posts, deck railing or any application where durability, weatherability, and performance are key.

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

Mix room equipment, tool and die equipment, 2 pultrusion production lines

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

Year *(12 mo. periods)*	New/Expansion Project only Year 1	New/Expansion Project only Year 2	New/Expansion Project only Year 3	New/Expansion Project only Year 4	New/Expansion Project only Year 5
Annual revenue	See schedule B				
Annual expense					
Net income					

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

Current positions & positions added the initial year of project

# Current Positions		New Positions Under $13.00	New Positions $13.01-$15.00	New Positions $15.01-$20.00	New Positions $20.01-$28.00	New Positions $28.01-$35.00	New Positions Over $35.00
249				12	3	1	

Year		(Before project)	Year 1	Year 2	Year 3	Year 4	Year 5
No. of Employees	(1)	239	255	274	289	303	320
	(2)	10	10	10	10	10	10
Estimated payroll	(1)	12,578,0(	13,374,0(	14,204,0(	14,933,0(	15,629,0(	16,443,0(
	(2)	153,000	153,000	153,000	153,000	153,000	153,000

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

Previous Business Activity

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

23. Has the project operator conducted this business at this or any other location either in or outside of the state?

☑ Yes ☐ No

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

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

~~Teeton Products Fargo location at the same address above received a payment in lieu of property tax incentive for 20 years beginning in 1998 with the first 5 years at 100% exempt, years 6-10 at 75% exempt, years 11-15 at~~

Business Competition

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

If YES, give name and location of competing business or businesses

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

Property Tax Liability Disclosure Statement

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

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

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

Use Only When Reapplying

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

☐ To present additional facts or circumstances which were not presented at the time of the original application

☐ To request continuation of the present property tax incentives because the project has:

- ☐ moved to a new location
- ☐ had a change in project operation or additional capital investment of more than twenty percent
- ☐ had a change in project operators

☐ To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

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

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

Lisa Giese — Signature

Director of Finance — Title

2-17-2021 — Date

Tecton 2021	
Project Operator	Tecton
Parcel Number	01-1884-00010-000
Address	4401 15 Ave N
Date Application Received	2/24/2021
1st Publication Date	3/10/2021
2nd Publication Date	3/17/2021
TRC Meeting Date	3/23/2021
Commission Hearing Date	4/5/2021
Notice Delivery To School/County	3/3/2021
School/County 30-Day Response	4/2/2021
Exemption Type	PILOT
Estimated Improvements Value	$11,000,000
Building Value to Remain Taxable	$4,208,000
Estimated Land Value	$3,288,000
County Share of Levy (%)	17.3%
Anticipated Tax Growth	2.0%
Current Mill Levy	277.19
Number of Years Granted	10
Total Gross Estimated Benefit	$1,152,251
Benefit Summary	
Full Taxes w/o Incentives	
Land	$45,570
Existing Building	$58,321
Building	$152,455
Total Payment	$256,345
Benefit	$0
Full Incentives	
Land	$45,570
Existing Building	$58,321
Building	$0.00
Total Payment	$103,891
Benefit	$152,455
Partial Incentives (County Opt Out)	
Land	$45,570
Existing Building	$58,321
Building	$26,356
Total Payment	$130,247
Benefit	$126,099

Year	% Bd Ex	PILOT Pymt	Full Bldg Tax	Benefit	PILOT W/O County	PILOT, Taxable Improvements & Land Tax
1	100%	$0	$152,455	$152,455	$0	$103,891
2	100%	$0	$155,504	$155,504	$0	$105,969
3	100%	$0	$158,553	$158,553	$0	$108,046
4	100%	$0	$161,602	$161,602	$0	$110,124
5	100%	$0	$164,651	$164,651	$0	$112,202
6	80%	$33,540	$167,700	$134,160	$27,742	$147,820
7	60%	$68,300	$170,749	$102,449	$56,492	$184,657
8	40%	$104,279	$173,798	$69,519	$86,251	$222,714
9	20%	$141,478	$176,847	$35,369	$117,019	$261,991
10	10%	$161,907	$179,896	$17,990	$133,917	$284,498
TOTALS		$509,503	$1,661,754	$1,152,251		
Building Tax To Remain		$58,321			Current Land	$45,570

Exemption Evaluation Calculator 2020			**108.6**			**108.6**
Tecton			**Points**			**Points**
Project Type Code (Ctrl-C to view)		1	**38.0**		1	**38.0**
Current Number Of Employees	**Year 1**	239		**Year 3**	239	
Hourly Salary Without Benefits	**# Jobs**			**# Jobs**		
Under $13.00						
$13.01-$15.00						
$15.01-$20.00	12			38		
$20.01-$28.00	3	Pts. For # Jobs->	**15.0**	9	Pts. For # Jobs->	**15.0**
$28.01-$35.00	1	Pts. For $ Jobs->	**10.6**	3	Pts. For $ Jobs->	**10.6**
Over $35.00						
TOTAL # OF JOBS CREATED	**16**			**50**		
% GI w/ Local Competition (not downtown)		0%	**25.0**		0%	**25.0**
Value of Proposed Buildings		$ 11,000,000	**20.0**		$ 11,000,000	**20.0**
Downtown Location (Y/N)		N	**0.0**		N	**0.0**
Exemption Needed (Y/N)					0	
Startup Firm (Y/N)		N	**0.0**		N	**0.0**
Has Const Started or Has Bldg Been Occupied If Existing (Y/N)		N	**0.0**		N	**0.0**
Number of Years (Exemption)		10			10	
Building Age (if substantial renovation)			**0.0**			**0.0**
RECOMMENDATION IS TO		**APPROVE**			**APPROVE**	
Description		Manufacturing			Manufacturing	
Estimated New Annual Payroll		$653,120			$2,032,160	
Estimated Annual Real Estate Tax		$160,666			$160,666	
Estimated PV of Exemption		$1,240,620			$1,240,620	
Payroll / PV of Exemption		0.5			1.6	
Property Value / # of Jobs		$ 687,500			$ 220,000	
Total Value Of Benefit		$ 1,606,660			$ 1,606,660	

THE CITY OF Fargo
FAR MORE

45h

MEMORANDUM

TO: **BOARD OF CITY COMMISSIONERS**

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

DATE: **MARCH 31, 2021**

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

City staff have completed work on a Renewal Plan for redevelopment of property along the river in downtown Fargo. The City Commission directed the preparation of this plan in October 2020. The renewal plan, along with a resolution to adopt the plan, is attached for your consideration.

The Fargo Planning Commission has reviewed the Renewal Plan and determined that it is consistent with the GO2030 Comprehensive Plan of the City of Fargo and the Downtown InFocus Plan.

The Renewal Plan includes a description of activities to implement the plan and creates a Tax Increment Financing District to pay for a portion of these activities.

A public hearing on the Renewal Plan is part of the review process. As required by state law, the Fargo School District, Fargo Park District and Cass County have been notified of this renewal plan and the hearing.

RECOMMENDED MOTION:
Approve the Resolution adopting the Renewal Plan 2021-01 for the redevelopment of an area along the river in downtown Fargo and the creation of a Tax Increment Financing District.

Attachments:

Resolution
Renewal Plan

RESOLUTION
BOARD OF CITY COMMISSIONERS OF THE
CITY OF FARGO

DISTRICT NO. 2021-01

Commissioner _____ moved for approval of the following:

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

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

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

1. That one or more slum or blighted areas, or areas consisting of industrial or commercial property, or a combination of those areas of properties, exist in the City of Fargo.

2. That the development, rehabilitation, conservation or redevelopment, or a combination thereof, of the area contained within the Renewal Plan for District No. 2021-01, is necessary in the interest of public health, safety, morals or welfare of the residents of the City of Fargo and will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the rehabilitation or redevelopment of the development area.

3. That there are properties within the area contained within the Renewal Plan with deteriorated conditions, and other conditions existing that discourage redevelopment. The Renewal Area, as defined in the Renewal Plan, is blighted due to the presence of these properties and conditions have substantially impaired the growth of the City, and have slowed the provision of appropriate redevelopment in this area. As a result, the Board of City Commissioners finds that a blighted condition exists in the said area.

4. That persons living in residential buildings who would be displaced by the redevelopment will be provided relocation assistance.

5. That the area designated as the Renewal Plan for District No. 2021-01 is appropriate for development projects.

6. That such development, rehabilitation, conservation or redevelopment of the area contained in the Renewal Plan for District No. 2021-01 requires the powers and authority granted in Chapter 40-58 NDCC.

7. That the Renewal Plan for District No. 2021-01 is hereby officially adopted by the Board.

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

RENEWAL PLAN

TAX INCREMENT FINANCING DISTRICT NO. 2021-01

CITY OF FARGO, NORTH DAKOTA

January 2021

RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2021-01 ..... **1**

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SUBSECTION 1.4. DESCRIPTION OF RENEWAL AREA 3
SUBSECTION 1.5. LAND ACQUISITION, DEMOLITION AND REMOVAL OF STRUCTURES, REDEVELOPMENT INCENTIVES OR PUBLIC IMPROVEMENTS 4
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APPENDIX F: REDEVELOPMENT ACTIVITY MAP

RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2021-01

Subsection 1.1. Definitions.

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

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

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

"Comprehensive Plan" means the City's GO2030 Comprehensive Plan, including the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City as and when such plan is adopted and finalized.

"County" means Cass County, North Dakota.

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

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

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

"State" means the State of North Dakota.

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

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

"Tax Increment Financing District" or "TIF District" means Tax Increment Financing District No. 2021-01.

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

Subsection 1.2. Statutory Authority.

The creation of the Renewal Area and the establishment of Tax Increment Financing District No. 2021-01 are authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or blighted area or a combination of these properties as appropriate for a development or renewal project.

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

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan for TIF District No. 2021-01, the City Commission intends to make the following findings:

(a) The Renewal Area includes a blighted area.

Factual basis: This Renewal Area is blighted due to the presence of deteriorated or deteriorating structures, which substantially impairs the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use. Photos of blighted conditions within the Renewal Area can be found in Appendix A.

(b) The Renewal Area includes vacant, industrial, commercial and residential properties.

Factual basis: Areas within the Renewal Area are considered blighted as described in (a) above. Blighted areas are eligible for renewal.

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

Factual basis: Most of the Renewal Area is located within the DMU (Downtown Mixed-Use) zoning district. South of 2nd Street South, there are properties in the MR-3 zoning district. Older industrial, warehouse and surface parking land uses are most appropriate for redevelopment to newer housing, commercial and hospitality land uses.

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

Factual basis: There are vacant apartments in the City. The multi-family vacancy rate in the City is estimated to be 5.4% as of September 2020, which is high enough to meet the needs of the persons who would be displaced. This plan includes activities to provide new housing, including housing for lower income households.

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

Factual basis: The proposed development is consistent with the goals that are embodied in the Go2030 Comprehensive Plan and the Downtown InFocus Plan.

Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already developed, serviced with utilities and protected by a flood

resiliency strategy. The promotion of infill development is the number two ranked priority of GO2030.

Additionally, housing development within this Renewal Area provides an opportunity for residents to live in close proximity to shopping and work. The proposed development will not burden the existing infrastructure as the property is served with water and sewer main lines.

Redevelopment activities are consistent with the Downtown InFocus Plan. The InFocus land use plan is for residential, commercial, mixed-use and public/institutional land uses within the area of the renewal plan.

Subsection 1.4. Description of Renewal Area

The TIF district Renewal Area is located on the eastern side of downtown Fargo. General boundaries are the Great Northern rail line on the north, 4th Street on the west, the Red River on the east and 7th Avenue South on the south. The district does include some properties on the west side of 4th Street and south of 6th Avenue South. A map of the renewal area is in Appendix B. Appendix C is a list of the properties in the renewal area.

The Renewal Area includes many properties that are vacant, surface parking and older commercial, warehouse and industrial areas. A map in Appendix D shows the location of properties with the potential for redevelopment. There are four general areas including:

North of 2nd Avenue North – There are sites with potential for redevelopment on five blocks. A city owned warehouse and a privately owned single story commercial building are along 2nd Street North with a good view of the river. A Fargo Housing Authority property in need of replacement for major renewal is located NE of 4th Avenue and 4th Street. Property NW of 4th Street and 4th Avenue is surface parking for a single story commercial building. The former Public Health Department is located NW of 3rd Avenue, it is owned by the City and is in poor condition. Another City building, the former police station, and a parking ramp with the potential to expand are located SW of 3rd Avenue and 4th Street.

South of 1st Avenue North – The block SE of 1st Avenue and 4th Street has surface parking, a vacant housing building and an auto repair business. The block south of City Hall is half surface parking and half older commercial buildings. South of that block is a newly renovated office building and commercial laundry business. The former Mid-America Steel operation is located along the river between NP Avenue and Main Avenue, it is owned by the City and much of the site could be redeveloped.

South of NP Rail Line – The two blocks along Main Avenue between 2nd Street and 4th Street have a lot of redevelopment potential. Many properties on the north side of Main Avenue are vacant. The Gateway Mall was recently acquired for redevelopment and the first new building is under construction. The City owns a vacant parcel on the block that has a high potential for housing development. The Fargo Housing Authority has 22-story large apartment building that is in poor condition and needs redevelopment.

6th Avenue South – Prairie St. John's is building a new heathcare facility to replace its existing facility on the same site on the north side of the avenue. The south side of the avenue is

surface parking and older housing units.

Subsection 1.5. Land Acquisition, Demolition and Removal of Structures, Redevelopment Incentives or Public Improvements

The Development of the Renewal Area includes the following activities. They are listed in four phases including those planned for 2021, those planned for 2022, those that could be ready for 2023 to 2025 when TIF revenue is expected to increase, and those that may occur after 2025.

These activities are designed to implement the Downtown InFocus land use plan. The land use plan map is included in Appendix E.

2021 Activities

- Sell the City property at 1 2nd Street South for redevelopment, with the condition that no development incentives will be provided so that new property tax revenue will be available for TIF-funded activities.
- Demolish the City-owned warehouse at 419 3rd Street North (old school district warehouse) and sell the cleared site for redevelopment, with the condition that no development incentives will be provided so that new property tax revenue will be available for TIF-funded activities. Money for the demolition would be reimbursed from future TIF revenue and/or sale of City properties within the Renewal Area.
- Sell the City property at 401 3rd Avenue North (old Public Health building) to encourage redevelopment at this site or an adjacent site. Use funds from the sale of this property towards the cost of the demolition of 419 3rd Street North and other renewal plan activities.
- Planning for the Mid-America Steel site redevelopment to include general flood protection plans, a review of City ordinances that affect redevelopment, identification of buildings that have no potential for redevelopment and development of concepts for redevelopment.

2022 Activities

- Demolish buildings on the Mid-America Steel site that do not have the potential for redevelopment.
- Provide redevelopment incentives as needed to encourage redevelopment by private developers for private redevelopments or public-private partnership redevelopments. Incentives may include costs of land acquisition, demolition, public improvements and other appropriate costs.
- In partnership with the Fargo Housing Authority, develop plans or redevelopment of public housing projects at 409 4th Street North and 101 2nd Street South. Costs may include demolition costs, public improvements and other costs. Implementation in 2023.

2023 to 2025 Activities

- Acquire land and assist with an affordable housing project within the Renewal Area, possibly in coordination with Prairie St. John's.
- Redevelop the Fargo Housing Authority site at 401 3rd Street North.
- Redevelop the Fargo Housing Authority site at 101 2nd Street South.
- Pedestrian/bike bridge over 2nd Street at City Hall.
- Civic Plaza work in coordination with redevelopment of the Civic Auditorium.

- Pedestrian connection between Fargo City Hall and the Skyway System.
- Civic Center Parking Ramp addition to provide additional parking downtown.
- Civic Auditorium redevelopment.
- Redevelopment incentives for Mid-America Steel site.
- New infrastructure to the Mid-American Steel site.

2026 and Beyond

- Redevelopment incentives for other sites within the Renewal Area.
- Public infrastructure.

This schedule is for planning purposes, so specific activities and details may be different when these activities are implemented. The schedule will depend on the availability of TIF and other resources, including private sector investment. The schedule and the annual selection of activities will depend on the success of the first developments, availability of private sector partners and schedule of other public improvements.

Subsection 1.6. Land Use Attributes – TIF District

(a) *Zoning, Densities and Building Requirements.*
Most of the renewal plan area is zoned DMU (Downtown Mixed-Use), and no zoning changes are required to implement this plan. DMU zoning district does not restrict the number of dwelling units or density. All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.

(b) *Plan relationship to land use objectives (land uses, improved traffic, public utilities, recreational and community facilities and other public improvements).*
The activities outlined in the plan meet critical needs required for the redevelopment of this area. The redevelopment complies with the DMU zoning district and the redevelopment goals of the GO2030 Comprehensive Plan and the Downtown InFocus Plan. The development provides for the infill of new housing units, mixed-use development and commercial development within downtown Fargo.

Subsection 1.7. Estimate of Development Costs

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

This list of estimated costs is very high-level estimates. In most cases, a detailed or even general estimate is not available. These estimates will need to be more fully developed as part

of the continuing planning and implementation process. As this planning process continues, additional activities may be added and other activities may be amended or removed from the plan.

Year 1 – 2021

- Demolish the City-owned warehouse at 419 3rd Street North: $500,000 to $1,000,000.

Year 2 – 2022

- Mid-America demolitions: $500,000 to $2,000,000.
- Redevelopment incentives: $1,000,000 to $2,000,000.

Year 3 to Year 5 – 2023-2025

- Affordable housing: $500,000 to $1,000,000.
- Senior housing redevelopment at 409 4th Street North: $1,000,000 to $2,000,000.
- Demolition of High Rise: $2,000,000 to $3,000,000.
- Civic Parking expansion: $1,500,000 to $2,500,000.
- Civic Center Plaza: $2,000,000 to $10,000,000.
- 2nd Street pedestrian/bike bridge (local): $1,000,000 to $1,500,000.
- Skyway connection to City Hall: $500,000 to $1,000,000.

Attachment F shows the location of these proposed activities.

Subsection 1.8. Estimate of Bonded Indebtedness

The City intends to finance certain costs of the Development through a variety of methods. Development incentives may be done thought the issuance of Tax Increment Financing Notes to developers. The City may use general obligation bonds, special assessment warrants or refunding improvement bonds pursuant to North Dakota Century Code, Section 40-58-20 (9), and the City may special assess all or a portion of the costs of development and apply funds received from tax increments to payment of the special assessments and other bonds. The City may borrow from other internal funds and repay those with future tax increment revenue.

Subsection 1.9. Tax Increment Financing.

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

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

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

Subsection 1.10. Estimate of Tax Increment.

It is anticipated that the Development will result in an increase in true and full value of the Renewal Area redevelopment site to $215 million. The value of taxable private property within the TIF district is $65 million. The increase in value has the potential to be over $150 million. Under the mill rate in effect as of the date of this Plan, development within the Renewal Area will generate tax increment each year of $140,000 for every $10 million in development. If $150 million of new buildings are eventually developed, tax increment would be $2 million per year.

While there is potential for over $150 million of new development within this Renewal Area, the development will likely be slow to occur, and will depend on the success of the first phases of redevelopment. TIF income will be very small in the first few years, begin to grow in 2024, and grow significantly, as private property within the Renewal Area develops. Outside of property that the City owns, the timing of the development is unpredictable.

This an estimate of TIF income for activities that are expected soon or those that the City can influence the schedule.

2022 and 2023: Minimal income from construction activities at 300 Main Avenue and City Centre.

2024: Completion of projects at Park East, old school warehouse and Prairie St. John's. Significant TIF income of $500,000 a year begins.

2029: Renaissance Zone exemptions expire on projects at 300 Main Avenue and 225 4th Avenue North. TIF income increases by $250,000 a year.

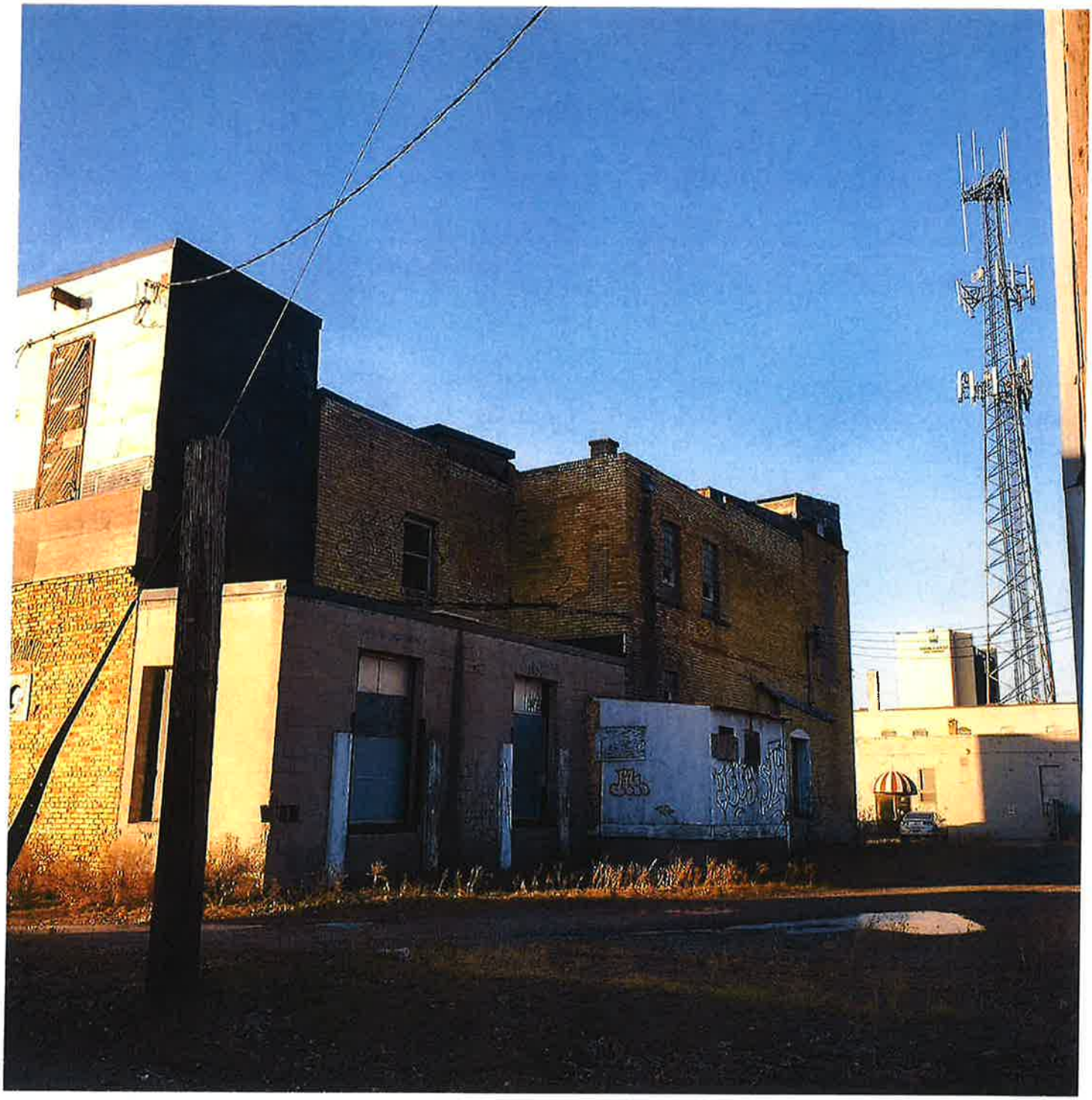
2030+: Projects are completed on other sites within the Renewal Area. Total TIF income could eventually grow significantly to more than $2 million a year as new development occurs and redevelopment incentives expire.

Subsection 1.11. Duration of the TIF District.

The City anticipates that the TIF District will continue until all development costs are reimbursed through the receipts of tax increment, or after a maximum of 25 years. The first substantial tax increment payment will be received in 2024 and increase as new development is constructed within the boundary of the Renewal Area.

APPENDIX A

PHOTOS OF EXISTING CONDITIONS



NOTICE

APPENDIX B

MAP OF THE RENEWAL AREA/TIF DISTRICT

Renewal Area/TIF District

TIF District No. 2021-01

APPENDIX C

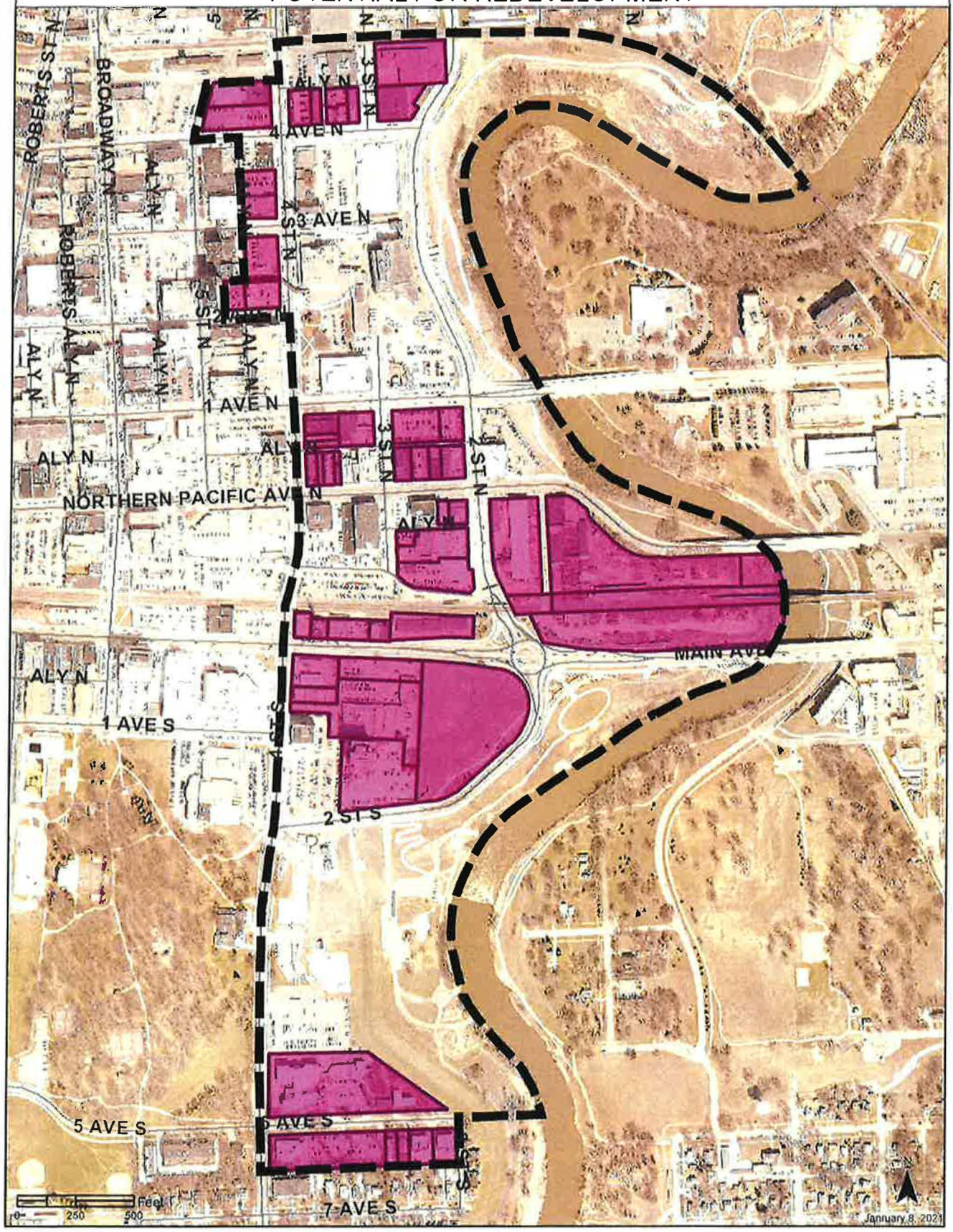
PROPERTIES IN THE RENEWAL AREA

Owner	Address	Land Value	Building Value	Total Value	Description
PARK DISTRICT OF THE CITY OF FARGO	310 4 ST S	$ 308,000	$ 259,800	$ 567,800	Fargo Park District
PARK DISTRICT OF THE CITY OF FARGO	310 4 ST S	$ 69,000	$ 160,300	$ 229,300	Fargo Park District
PSJ ACQUISITION LLC	390 6 AVE S	$ 186,000	$ 1,074,100	$ 1,260,100	Medical Clinic
PSJ ACQUISITION LLC	352 6 AVE S	$ 45,000	$ 253,000	$ 298,000	Conversion
LEAHY, ROBERT ANTHONY	344 6 AVE S	$ 40,300	$ 157,600	$ 197,900	Duplex
PSJ ACQUISITION LLC	340 6 AVE S	$ 38,000	$ 504,500	$ 542,500	Group Home
PSJ ACQUISITIONS LLC	334 6 AVE S	$ 38,000	$ 584,500	$ 622,500	Group Home
JT PARKING LLC	321 NORTHERN PACIFIC AVE N	$ 81,000	$ 14,000	$ 95,000	Parking Ramp/Lot
JT PARKING LLC	319 NORTHERN PACIFIC AVE N	$ 40,000	$ 7,000	$ 47,000	Parking Ramp/Lot
FORUM PUBLISHING CO	317 NORTHERN PACIFIC AVE N	$ 81,000	$ 14,000	$ 95,000	Parking Ramp/Lot
IRISH PROPERTIES II LLC	313 NORTHERN PACIFIC AVE N	$ 40,000	$ 424,500	$ 464,500	Office
FAMILY HEALTHCARE CENTER	307 NORTHERN PACIFIC AVE N	$ 121,000	$ 2,432,400	$ 2,553,400	Medical Clinic
FAMILY HEALTHCARE CENTER	301 NORTHERN PACIFIC AVE N	$ 121,000	$ 5,013,900	$ 5,134,900	Medical Clinic
DALE R LARSON REV LIVING TRUST AGREEMENT	308 1 AVE N	$ 242,000	$ 457,000	$ 699,000	Retail
CITY OF FARGO	69 4 ST N	$ 145,000	$ 989,000	$ 1,134,000	City Of Fargo
DALE R LARSON REV LIVING TRUST AGREEMENT	67 4 ST N	$ 48,000	$ 8,000	$ 56,000	Parking Ramp/Lot
DALE R LARSON REV LIVING TRUST AGREEMENT	65 4 ST N	$ 48,000	$ 8,000	$ 56,000	Parking Ramp/Lot
BORTNEM FAMILY LTD PTSHP	219 NORTHERN PACIFIC AVE N	$ 116,000	$ 349,000	$ 465,000	Retail & Offices
BORTNEM FAMILY LTD PTSHP	213 NORTHERN PACIFIC AVE N	$ 116,000	$ 245,000	$ 361,000	Retail
BORTNMEN FAMILY LTD PTSHP	209 NORTHERN PACIFIC AVE N	$ 77,000	$ 286,000	$ 363,000	Retail
FARMERS UNION OIL COMPANY OF MOORHEAD	205 NORTHERN PACIFIC AVE N	$ 154,000	$ 561,000	$ 715,000	Convenience Store
BORTNAM FAMILY LTD PTSHP	65 3 ST N	$ 308,000	$ 56,000	$ 364,000	Parking Ramp/Lot
BORTNEM FAMILY LTD PTSHP	72 2 ST N	$ 154,000	$ 28,000	$ 182,000	Parking Ramp/Lot
CITY OF FARGO	411 2 AVE N	$ 144,000	$ 2,451,600	$ 2,595,600	Parking Ramp/Lot
CITY OF FARGO	95 2 ST N	$ 6,000	$ -	$ 6,000	County
CASE PLAZA LLC	117 NORTHERN PACIFIC AVE N	$ 394,000	$ 2,533,000	$ 2,927,000	Office
CASE PLAZA LLC	101 NORTHERN PACIFIC AVE N	$ 78,000	$ 92,000	$ 170,000	Parking Ramp/Lot
CITY OF FARGO	93 NORTHERN PACIFIC AVE N	$ 157,000	$ -	$ 157,000	
PARK DISTRICT OF THE CITY OF FARGO	101 2 ST N	$ 71,000	$ -	$ 71,000	Fargo Park District
AMERICAN FEDERAL BANK	406 4 ST N	$ 343,000	$ 57,000	$ 400,000	Parking Ramp/Lot
DVAW LLC	417 5 ST N	$ 309,000	$ 624,100	$ 933,100	Warehouse & Office
FARGO HOUSING & REDEVELOPMENT	409 4 ST N	$ 115,000	$ 798,600	$ 913,600	Apartment
FARGO HOUSING & REDEVELOPMENT AUTHORITY	355 4 AVE N	$ 53,000	$ 310,700	$ 363,700	Apartment
FARGO HOUSING & REDEVELOPMENT AUTHORITY	415 BURRELL CT N	$ 69,000	$ 16,900	$ 85,900	Fargo Housing Authority
FARGO HOUSING & REDEVELOPMENT AUTHORITY	311 4 AVE N	$ 69,000	$ 16,900	$ 85,900	Fargo Housing Authority
SIMONSON, BONITA J	410 3 ST N	$ 72,000	$ 176,400	$ 248,400	Warehouse & Office
CITY OF FARGO	415 4 ST N	$ 429,000	$ 2,494,000	$ 2,923,000	Fargo School Board
CITY OF FARGO	421 4 ST N	$ -	$ -	$ -	City Of Fargo
CITY OF FARGO	419 3 ST N	$ 489,000	$ 1,606,000	$ 2,095,000	County
CITY OF FARGO	402 OAK ST N	$ 19,000	$ -	$ 19,000	City Of Fargo
CITY OF FARGO	403 OAK ST N	$ 65,000	$ -	$ 65,000	City Of Fargo
CITY OF FARGO	565 2 ST N	$ 29,000	$ -	$ 29,000	City Of Fargo
BORTNEM FAMILY LTD PARTNERSHIP	221 MAIN AVE	$ 225,000	$ 223,000	$ 448,000	Warehouse
CITY OF FARGO	92 NORTHERN PACIFIC AVE N	$ 1,213,000	$ 113,500	$ 1,326,500	Warehouse
PARK DISTRICT OF THE CITY OF FARGO	100 MAIN AVE	$ 163,000	$ -	$ 163,000	Fargo Park District
CITY OF FARGO	1 2 ST S	$ 1,453,000	$ -	$ 1,453,000	Vacant Land
FARGO HOUSING AUTHORITY	101 2 ST S	$ 697,000	$ 7,498,800	$ 8,195,800	Fargo Housing Authority
PROFESSIONAL ASSOCIATES LLC	100 4 ST S	$ 929,000	$ 2,068,000	$ 2,997,000	Office
C/D BETTENHAUSEN, STEVEN W & SHARI L	330 MAIN AVE	$ 270,000	$ 387,000	$ 657,000	Convenience Store
AMERICAN LINEN SUPPLY CO	206 NORTHERN PACIFIC AVE N	$ 83,000	$ 246,000	$ 329,000	Laundry/Dry Cleaner
AMERICAN LINEN SUPPLY CO	208 NORTHERN PACIFIC AVE N	$ 55,000	$ 285,000	$ 340,000	Laundry/Dry Cleaner
VOGEL LAW OFFICE BUILDING LLP	218 NORTHERN PACIFIC AVE N	$ 251,000	$ 2,553,700	$ 2,804,700	Office
AMERICAN LINEN SUPPLY CO	50 2 ST N	$ 343,000	$ 648,000	$ 991,000	Laundry/Dry Cleaner
FRITZ PROPERTIES LLC	310 NORTHERN PACIFIC AVE N	$ 151,000	$ 618,000	$ 769,000	Office
TTC LLP	35 4 ST N	$ 440,000	$ 2,215,000	$ 2,655,000	Office
TTC LLP	35 4 ST N	$ -	$ 39,500	$ 39,500	Warehouse
NORTHLAND HOSPITALITY LLC	404 4 AVE N	$ 182,000	$ 1,295,000	$ 1,477,000	Office
CITY OF FARGO	401 3 AVE N	$ 364,000	$ 1,406,600	$ 1,770,600	City Of Fargo
RUBY RULES LLC	321 4 ST N	$ 195,000	$ 752,000	$ 947,000	Medical Clinic
PONTOPPIDAN LUTHERAN CHURCH	309 4 ST N	$ 390,000	$ 716,400	$ 1,106,400	Church
NORTHLAND HOSPITALITY LLC	334 4 AVE N	$ 430,000	$ 59,000	$ 489,000	Parking Ramp/Lot
CITY OF FARGO	207 3 AVE N	$ 127,000	$ -	$ 127,000	County
CITY OF FARGO	203 4 AVE N	$ 54,000	$ -	$ 54,000	County
DFI AP LLC	225 4 AVE N	$ 262,000	$ 1,256,000	$ 1,518,000	Office
CITY OF FARGO	425 2 ST N	$ 13,000	$ -	$ 13,000	City Of Fargo
PARK DISTRICT OF THE CITY OF FARGO	345 2 ST N	$ 440,000	$ -	$ 440,000	Fargo Park District
CITY OF FARGO	225 4 ST N	$ 1,915,000	$ 27,089,000	$ 29,004,000	City Of Fargo
CITY OF FARGO	200 3 ST N	$ 1,972,000	$ 740,000	$ 2,712,000	City Of Fargo
CITY OF FARGO	207 4 ST N	$ -	$ 4,365,000	$ 4,365,000	City Of Fargo
CITY OF FARGO	225 4 ST N	$ -	$ -	$ -	City Of Fargo
CITY OF FARGO	102 3 ST N	$ 558,000	$ 10,186,800	$ 10,744,800	City Of Fargo
CITY OF FARGO	222 4 ST N	$ 319,000	$ 1,383,300	$ 1,702,300	City Of Fargo
CITY OF FARGO	210 4 ST N	$ 26,000	$ 158,900	$ 184,900	City Of Fargo
LARSON, RICHARD W & GAYLE L	202 4 ST N	$ 216,000	$ 698,600	$ 914,600	Automobile Repair Shop

PSJ ACQUISITION LLC	510 4 ST S	$ 614,000	$ 4,615,400	$ 5,229,400	Hospital
PSJ ACQUISITION LLC	510 4 ST S	$ -	$ 520,800	$ 520,800	Hospital
PSJ ACQUISITION LLC	510 4 ST S	$ -	$ 278,600	$ 278,600	Hospital
CITY OF FARGO	430 4 ST S	$ 100,000	$ 58,100	$ 158,100	City Of Fargo
CITY OF FARGO	200 4 ST S	$ 427,000	$ 120,600	$ 547,600	City Of Fargo
CITY OF FARGO	200 4 ST S	$ -	$ 4,810,000	$ 4,810,000	City Of Fargo
AMERIPRIDE SERVICES INC	20 2 ST N	$ 366,000	$ 142,000	$ 508,000	Laundry/Dry Cleaner
BORTNEM FAMILY LP	315 MAIN AVE	$ 59,000	$ 395,800	$ 454,800	Warehouse & Office
CITY OF FARGO	106 NORTHERN PACIFIC AVE N	$ 849,000	$ 663,500	$ 1,512,500	Manufacturing-Heavy
CITY OF FARGO	106 NORTHERN PACIFIC AVE N	$ -	$ 166,500	$ 166,500	Manufacturing-Heavy
CITY OF FARGO	106 NORTHERN PACIFIC AVE N	$ -	$ 18,800	$ 18,800	Manufacturing-Heavy
CITY OF FARGO	92 NORTHERN PACIFIC AVE N	$ 1,211,000	$ 256,200	$ 1,467,200	Manufacturing-Heavy
CITY OF FARGO	92 NORTHERN PACIFIC AVE N	$ 346,000	$ 54,800	$ 400,800	Manufacturing-Heavy
CITY OF FARGO	92 NORTHERN PACIFIC AVE N	$ -	$ 14,800	$ 14,800	Manufacturing-Heavy
CITY OF FARGO	92 NORTHERN PACIFIC AVE N	$ -	$ 165,300	$ 165,300	Manufacturing-Heavy
CITY OF FARGO	2 NORTHERN PACIFIC AVE N	$ 16,000	$ -	$ 16,000	Vacant Land
BORTNEM FAMILY LP	307 MAIN AVE	$ 142,000	$ 226,300	$ 368,300	Warehouse & Office
RIVER CITY CHURCH	323 MAIN AVE	$ 70,000	$ 635,000	$ 705,000	Church
223 MAIN AVE LLC	223 MAIN AVE	$ 67,000	$ 185,000	$ 252,000	Warehouse
CITY OF FARGO	320 MACHINERY ROW AVE N	$ 376,000	$ 83,300	$ 459,300	City Of Fargo
EPIC GATEWAY NORTH REAL ESTATE HOLDINGS LLC	310 MAIN AVE	$ 330,000	$ -	$ 330,000	Retail & Apartments
EPIC GATEWAY LLC	300 MAIN AVE	$ 1,074,000	$ 1,689,000	$ 2,763,000	Strip Center
EPIC GATEWAY LLC	44 4 ST S	$ 130,000	$ 845,000	$ 975,000	Medical Clinic
BUTLER, FRANCIS J	300 NORTHERN PACIFIC AVE N UNIT 307	$ 12,700	$ 464,600	$ 477,300	Single Family - Loft
JOHN S ABBOTT REV TRUST	300 NORTHERN PACIFIC AVE N UNIT 302	$ 9,600	$ 375,200	$ 384,800	Single Family - Loft
RED RIVER VALLEY REGIONAL DISPATCH CENTER	300 NORTHERN PACIFIC AVE N UNIT C2	$ 19,000	$ 330,000	$ 349,000	Condominium (Commercial)
NETREIT 300 NP LLC	300 NORTHERN PACIFIC AVE N UNIT C1	$ 190,000	$ 3,382,000	$ 3,572,000	Retail & Offices
RODENBURG, CLIFTON G & DONNA	300 NORTHERN PACIFIC AVE N UNIT 311	$ 13,200	$ 436,000	$ 449,200	Single Family - Loft
BRUCE G PITTS REV LIVING TRUST	300 NORTHERN PACIFIC AVE N UNIT 310	$ 11,200	$ 428,400	$ 439,600	Single Family - Loft
JOHNSEN, JEFFREY K	300 NORTHERN PACIFIC AVE N UNIT 309	$ 10,500	$ 409,900	$ 420,400	Single Family - Loft
DAWSON, DEBRA ANN	300 NORTHERN PACIFIC AVE N UNIT 308	$ 9,800	$ 376,400	$ 386,200	Single Family - Loft
BURCHILL, THOMAS S & SHELLY L	300 NORTHERN PACIFIC AVE N UNIT 306	$ 10,500	$ 411,900	$ 422,400	Single Family - Loft
HUMMEL, PETER K	300 NORTHERN PACIFIC AVE N UNIT 305	$ 10,200	$ 387,800	$ 398,000	Single Family - Loft
ZIMMERMAN, STEVEN L & KIMBERLY K	300 NORTHERN PACIFIC AVE N UNIT 303	$ 23,000	$ 630,700	$ 653,700	Single Family - Loft
QUICK, BRUCE D & ROBERTA	300 NORTHERN PACIFIC AVE N UNIT 301	$ 12,800	$ 432,700	$ 445,500	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 410	$ 26,000	$ 358,000	$ 384,000	Single Family - Loft
OFFUTT, RYAN	200 4 AVE N UNIT 301	$ 17,700	$ 395,700	$ 413,400	Single Family - Loft
PIETERICK, BRENT L & KLEIN-PIETERICK, ANDREA R	200 4 AVE N UNIT 401	$ 19,900	$ 478,000	$ 497,900	Single Family - Loft
MCCORMICK, THOMAS & JUDITH MARY	200 4 AVE N UNIT 403	$ 23,200	$ 416,300	$ 439,500	Single Family - Loft
ARUSELL, ROBERT M RLT & SANDA, JANELLE C RLT	200 4 AVE N UNIT 404	$ 17,800	$ 456,400	$ 474,200	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 405	$ 17,800	$ 320,900	$ 338,700	Single Family - Loft
RILEY, KEVIN J & KATHLEEN J	200 4 AVE N UNIT 408	$ 23,800	$ 428,600	$ 452,400	Single Family - Loft
SAND, MICHAEL L & LINDA	200 4 AVE N UNIT 409	$ 17,800	$ 345,500	$ 363,300	Single Family - Loft
CUROE, TIMOTHY W & KRISTI L	200 4 AVE N UNIT 303	$ 23,200	$ 705,600	$ 728,800	Single Family - Loft
HYSJULIEN, RANDY & CHERYL	200 4 AVE N UNIT 304	$ 15,700	$ 312,200	$ 327,900	Single Family - Loft
VOORHEES, JEAN C	200 4 AVE N UNIT 307	$ 15,700	$ 310,600	$ 326,300	Single Family - Loft
HILLSTROM, ROBERT & KARIN	200 4 AVE N UNIT 308	$ 22,100	$ 397,000	$ 419,100	Single Family - Loft
HOPPERSTAD, ERIK S & LISA M	200 4 AVE N UNIT 309	$ 19,900	$ 449,300	$ 469,200	Single Family - Loft
ADAMS, DAVID W	200 4 AVE N UNIT 310	$ 19,600	$ 362,000	$ 381,600	Single Family - Loft
SOLWOLD, ROSS & SANDREN, GINA M	200 4 AVE N UNIT 406	$ 17,800	$ 345,500	$ 363,300	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 407	$ 17,800	$ 345,500	$ 363,300	Single Family - Loft
RELLER, TAMRA L	200 4 AVE N UNIT 204	$ 15,700	$ 432,300	$ 448,000	Single Family - Loft
HAGEN, MICHELLE L	200 4 AVE N UNIT 205	$ 15,700	$ 310,600	$ 326,300	Single Family - Loft
DABY, DARIN L & DIANE	200 4 AVE N UNIT 206	$ 15,700	$ 310,600	$ 326,300	Single Family - Loft
DEWALD, STEVEN B & MARY T	200 4 AVE N UNIT 207	$ 15,700	$ 386,800	$ 402,500	Single Family - Loft
STRAND, RACHEL L	200 4 AVE N UNIT 305	$ 15,700	$ 476,700	$ 492,400	Single Family - Loft
JOHNSON, DAVID L & BONNIE O T/O/D	200 4 AVE N UNIT 306	$ 15,700	$ 310,600	$ 326,300	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 210	$ 19,600	$ 362,000	$ 381,600	Single Family - Loft
SELL, ERIK	200 4 AVE N UNIT 101	$ 10,700	$ 282,500	$ 293,200	Single Family - Loft
IVERSON, JORDAN J	200 4 AVE N UNIT 102	$ 13,900	$ 246,100	$ 260,000	Single Family - Loft
BERGMAN, JOHN DAVID	200 4 AVE N UNIT 103	$ 7,800	$ 151,500	$ 159,300	Single Family - Loft
HAMRE, PERRY & CHERYL	200 4 AVE N UNIT 201	$ 17,700	$ 341,500	$ 359,200	Single Family - Loft
BOROWICZ, RONALD J & KRANTZ, DOUGLAS	200 4 AVE N UNIT 203	$ 23,200	$ 705,600	$ 728,800	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 106	$ 7,800	$ 151,500	$ 159,300	Single Family - Loft
ROUTLEDGE, CLAY D & JENNY A	200 4 AVE N UNIT 107	$ 7,800	$ 151,500	$ 159,300	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 108	$ 7,800	$ 151,500	$ 159,300	Single Family - Loft
MACZIK, MATTHEW G	200 4 AVE N UNIT 109	$ 7,800	$ 151,500	$ 159,300	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 208	$ 22,100	$ 397,000	$ 419,100	Single Family - Loft
LOSEE, KURT	200 4 AVE N UNIT 209	$ 19,900	$ 649,000	$ 668,900	Single Family - Loft
ZIMMERMAN, MATTHEW J	200 4 AVE N UNIT 110	$ 7,800	$ 151,500	$ 159,300	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 111	$ 8,000	$ 154,000	$ 162,000	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 112	$ 13,700	$ 274,600	$ 288,300	Single Family - Loft
NORTHLAND HOSPITALITY LLC	200 4 AVE N UNIT LP	$ 155,000	$ 2,517,000	$ 2,672,000	Parking Ramp/Lot
OSBORNE, MATTHEW J	200 4 AVE N UNIT 104	$ 7,800	$ 151,500	$ 159,300	Single Family - Loft
ALBERTSON, BRIAN R	200 4 AVE N UNIT 105	$ 7,800	$ 151,500	$ 159,300	Single Family - Loft

APPENDIX D

POTENTIAL FOR REDEVELOPMENT



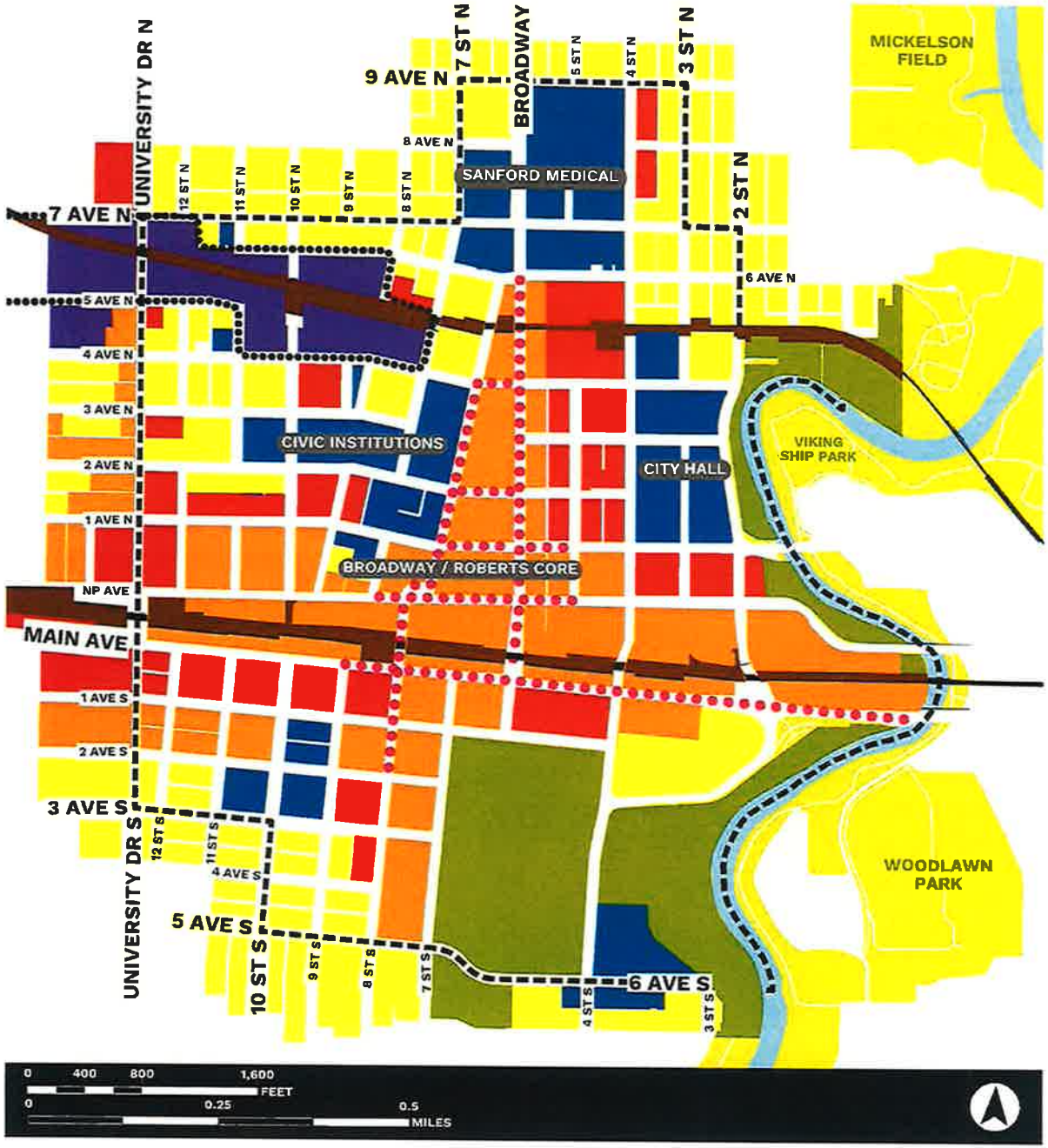
Renewal Area/TIF District

Redevelopment Potential

TIF District No. 2021-01

APPENDIX E

LAND USE PLAN FOR REDEVELOPMENT



Future Land Use Map

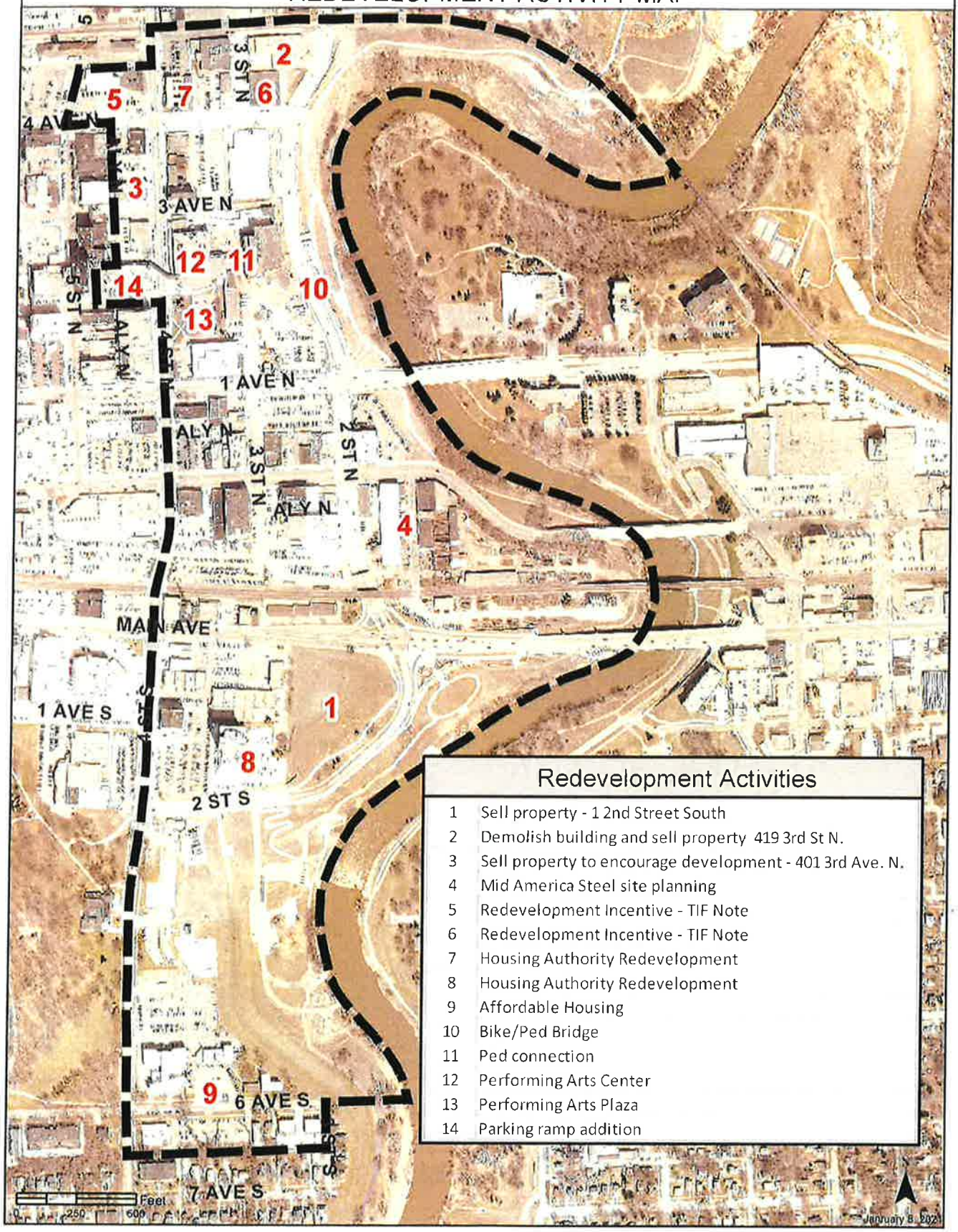
Future Land Use

Source: Interface Studio

- RETAIL FOCUS
- INDUSTRIAL PRESERVATION
- RESIDENTIAL
- COMMERCIAL
- MIXED-USE
- INDUSTRIAL
- PARKS & RECREATION
- PUBLIC & INSTITUTIONAL
- UTILITY & OTHER
- RAIL
- OPEN SPACE
- DOWNTOWN FOCUS AREA

APPENDIX F

REDEVELOPMENT ACTIVITY MAP



Redevelopment Activities

1	Sell property - 1 2nd Street South
2	Demolish building and sell property 419 3rd St N.
3	Sell property to encourage development - 401 3rd Ave. N.
4	Mid America Steel site planning
5	Redevelopment Incentive - TIF Note
6	Redevelopment Incentive - TIF Note
7	Housing Authority Redevelopment
8	Housing Authority Redevelopment
9	Affordable Housing
10	Bike/Ped Bridge
11	Ped connection
12	Performing Arts Center
13	Performing Arts Plaza
14	Parking ramp addition

\# Redevelopment Activities

Renewal Area/TIF District

TIF District No. 2021-01

THE CITY OF Fargo
FAR MORE

HUMAN RESOURCES DEPARTMENT
Fargo City Hall
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1321 | Fax: 701.476.6707
www.FargoND.gov

466

TO: Board of City Commissioners

FROM: Jill Minette JM
Director of Human Resources

RE: City of Fargo Temporary Policies - COVID-19 Pandemic Overtime, Families First Coronavirus Response Act (FFCRA), and Emergency Paid Leave (EPL) Policy

DATE: April 1, 2021

Please review the proposed adoption of the temporary employment policy, COVID-19 Pandemic Overtime, along with the recommendation to repeal the Families First Coronavirus Response Act (FFCRA) and Emergency Paid Leave (EPL) Policies as indicated below.

COVID-19 Pandemic Overtime
The COVID-19 Pandemic Overtime Temporary Policy (attached) is intended to supplement Employment Policy #600-007 Overtime & Compensatory Time and to cover periods of time during which an emergency declaration may not be active but response efforts are on-going. This policy extends overtime payment for non-exempt and exempt employees actively working in continued response to the pandemic.

Families First Coronavirus Response Act (FFCRA)
The City of Fargo adopted the Families First Coronavirus Response Act (FFCRA) Policy (attached) in order to comply with the Families First Coronavirus Response Act that went into effect on April 1, 2020. While the FFCRA expired on December 31, 2020, we continued voluntarily offering paid leave under FFCRA based on the guidance from the Department of Labor (DOL).

We would like to continue voluntarily offering paid FFCRA leave through May 30, 2021 and then discontinue the temporary policy and end paid leave under FFCRA on May 31, 2021. By this point in time, our entire workforce will have had the opportunity for vaccination and the need for this leave should be significantly diminished.

Emergency Paid Leave (EPL)
We would like to discontinue the temporary Emergency Paid Leave (EPL) Policy (attached) effective today, April 5. This temporary policy was reinstated in November 2020 in support of departmental continuity of operations plans and to allow for departmental staffing rotation as a preventative measure when necessary. Emergency Paid Leave is not needed at this time.

RECOMMENDED MOTION:

To approve the COVID-19 Pandemic Overtime Temporary Employment Policy effective April 5, 2021, to repeal the Families First Coronavirus Response Act (FFCRA) Temporary Policy effective May 31, 2021, and to repeal the Emergency Paid Leave Temporary Policy effective April 5, 2021.

City of Fargo

Temporary Employment Policy

COVID-19 Pandemic Overtime

Effective: April 5, 2021 until repealed

As the response to the COVID-19 Pandemic continues, many non-exempt and exempt employees continue to regularly work in excess of 40 hours per week. Due to the extended duration of the pandemic, this policy is intended to supplement Employment Policy #600-007 Overtime & Compensatory Time and to cover periods of time during which an emergency declaration may not be active. In the event COVID-19 related response efforts exceed the emergency declaration period, employees will continue to receive overtime for hours in excess of 40 hours per week as indicated below:

- Non-exempt and exempt employees are eligible for overtime for all pandemic related hours worked in excess of 40 hours per week
- Non-exempt and exempt employees are eligible for overtime for all hours worked on regular job responsibilities in excess of 40 hours per week that are attributable to pandemic related work accomplished during regularly scheduled hours
- Non-exempt and exempt employees designated to backfill a shift or workload of the employees directly responding to the pandemic are eligible for overtime attributable to the backfill shift or additional workload
- Public Safety Provision - pandemic related overtime pay for police and fire covered under the 207(k) exemption is covered in police and fire department pandemic and/or emergency/disaster pay policies.

Department heads must monitor overtime and limit overtime hours to those operationally necessary in response to the pandemic.

City of Fargo

Temporary Employment Policy

Families First Coronavirus Response Act (FFCRA)

Effective: April 1, 2020 until repealed

In accordance with the Families First Coronavirus Response Act (FFCRA), the City of Fargo will grant eligible employees paid sick leave and expanded family and medical leave for qualifying reasons related to COVID-19.

The City of Fargo will pay all qualified leave under FFCRA at 100% of the employee's regular rate of pay. Although FFCRA allows for compensation at rates lower than 100% of pay under certain circumstances, as well as establishes daily maximums, the City has opted to pay employees at their regular rate of pay when leave is taken for qualifying reasons under FFCRA.

PAID LEAVE ENTITLEMENTS

Up to two weeks (80 hours, or a fire suppression or part-time employee's two-week equivalent) of paid sick leave as follows:

- 100% of the employee's regular rate of pay for qualifying reasons #1- #4 and 6 below; and
- 100% of the employee's regular rate of pay, up to 12 weeks of paid sick leave and expanded family and medical leave for qualifying reason #5 below. Fire suppression and part-time employees are eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

ELIGIBLE EMPLOYEES

City of Fargo employees are eligible for up to two weeks of paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of paid expanded family and medical leave for reason #5 below. This time counts towards the total 12-week entitlement under the Family and Medical Leave Act (FMLA).

The City intends to include all employees; however, the FFCRA allows public employers to exclude local health department employees and emergency responders, including but not limited to sworn police officers, fire fighters, emergency management personnel, public works personnel and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, leave for these employees will be considered on a case-by-case basis. The City reserves the right to deny leave for public employees exempted under FFRCA if the leave creates a critical staffing shortage.

QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a heath care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2)
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services

Intermittent leave may be allowed while on paid sick leave and/or expanded family and medical leave only under certain circumstances and upon agreement between the employee and supervisor. When the reason for the employee's leave is due to reasons 1-4 and 6 above, the employee will only be allowed to take leave intermittently while they telework. This limit is imposed because if an employee physically reports to work, even intermittently, and they are sick or possibly sick with COVID-19 (reasons 1-3 or 6), or they are caring for an individual who is sick or possibly sick with COVID-19 (reasons 4 or 6), they could spread the virus to others. Employees are allowed to take intermittent leave for the purpose of caring for a child whose school or place of care is closed (or child care provider is unavailable) due to Covid-19 related reasons (reason 5 above).

FFCRA REQUEST AND DOCUMENTATION

Employees will be required to complete a FFCRA Request Form in order to be granted the leave. All information, along with the necessary documentation, must be provided as requested.

POLICY MODIFICATIONS

This policy is subject to future modification as additional guidance is released from the Department of Labor or at the direction of the City Commission in compliance with FFCRA.

City of Fargo

Temporary Employment Policy

COVID-19 Emergency Paid Leave

Effective: November 16, 2020 through the end of the Mayor's Emergency Declaration or until repealed

Under the Mayor's Emergency Declaration, which was issued on March 16, 2020, Emergency Paid Leave (EPL) will be available for employees whose work schedule is impacted by a continuity of operations plan, or who are absent from work due to COVID-19 related circumstances listed below.

EPL Under Continuity of Operations Plans

Employees who are scheduled to work less hours than their regularly scheduled hours per week under an approved departmental continuity of operations plan may be eligible for pay under EPL. Prior to approving paid leave hours under EPL, the manager must assess the employee's ability to productively perform work remotely and/or under a modified work schedule consistent with the continuity of operations plan. If these alternative work arrangements are not possible or have been exhausted, EPL may be utilized with the approval of the Department Head.

EPL for COVID-19 Related Absences

Employees who are absent for COVID-19 related reasons must first apply for leave under Families First Coronavirus Response Act (FFCRA). If the leave is qualifying, the employee will first be paid under FFCRA. Once the FFCRA leave entitlement (if any) is exhausted, or the leave is determined ineligible under FFCRA, the employee will be paid EPL under the following circumstances:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a heath care provider to self-quarantine related to COVID-19;
3. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. The employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. The employee is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. The employee is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services

Employees must follow departmental processes to communicate absences with their immediate supervisors. Prior to awarding EPL, the manager and employee must assess the employee's ability to productively perform work remotely and/or under a modified work schedule. If these alternative work arrangements are not possible, EPL may be utilized.

EPL is paid at 100% of the employee's regular rate of pay and does not draw from the employee's sick or vacation leave balances. Any employee with regularly scheduled hours may use this emergency leave, including temporary employees but excluding Civic and FARGODOME event staff who normally work on a per-event basis. EPL will only be paid up to a maximum of the employee's regularly scheduled hours per week. For example, if an employee regularly works 40 hours, is absent on Monday but then works 40 hours Tuesday through Friday, EPL would not be paid. There is no limit to the amount of EPL an employee is eligible to receive while this temporary policy is effective.

Any leave of absences for purposes other than the COVID-19 related reasons defined above would fall under the applicable policy (i.e. annual leave, sick leave, Family and Medical Leave Act (FMLA), injury leave and military leave).

THE CITY OF Fargo
FAR MORE

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

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: APRIL 1, 2021

SUBJECT: EMERGENCY DECLARATION TERMINATION (COVID-19 PANDEMIC)

On March 16, 2020, I signed an emergency declaration in accordance with Fargo Municipal Code 10-0318 pertaining to the COVID-19 Pandemic. The City Commission voted to extend this emergency declaration at its April 6, 2020 meeting until such time as the emergency conditions no longer exist or is otherwise terminated by the Board of City Commissioners.

Collectively, we share a belief that emergency declarations should only be utilized when absolutely necessary. Accordingly, in consideration of our area's strong vaccination rates, availability of vaccines to members of the public, decreased hospitalizations, low fatalities, wastewater testing and discontinuance of the mask mandate, I am recommending a termination of the COVID-19 Pandemic Emergency Declaration as of 12:01 a.m. on Tuesday, April 6.

I have requested the City's Human Resources Department and City Attorney's Office to collaboratively prepare a temporary employment policy related to COVID-19 Pandemic overtime. This policy has been placed on this evening's agenda for your consideration.

It is very important that the temporary employment policy's approval coincides and fully syncs with the emergency declaration termination to ensure no gap exists which would prevent our employees from receiving the appropriate compensation for time they are working related to pandemic-related activities.

I appreciate your consideration of these recommendations as we continue to work towards a new normal in Fargo.

SUGGESTED MOTION: To concurrently terminate the COVID-19 Pandemic Emergency Declaration in conjunction with the integration of a temporary employment overtime policy related to COVID-19, effective at 12:01 a.m. on April 6, 2021.

THE CITY OF Fargo
FAR MORE

Planning & Development
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: planning@FargoND.gov
www.FargoND.gov

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: NICOLE CRUTCHFIELD, PLANNING & DEVELOPMENT DIRECTOR

DATE: APRIL 1, 2021

RE: GATE CITY BANK ANNOUNCES 2021 NRI PROGRAM FUNDING

At the April 5th City Commission meeting, Gate City Bank will provide a virtual presentation on the next round of funding for the Neighborhood Revitalization Initiative Program. Details about the program and information on how residents can apply are provided on the attached flyer and the City of Fargo's website at www.FargoND.gov/nri.

The Planning Department is proud to be part of the administration of this program. We see evidence every day on the benefits it provides to our residents as households diligently maintain and improve their homes.

EQUAL HOUSING OPPORTUNITY

Fargo Neighborhood Revitalization Initiative

- Rates as low as 2.59% APR*
- 10-year or 15-year options
- $10,000-$75,000

The Fargo Neighborhood Revitalization Initiative was established for City of Fargo homeowners to encourage the preservation of homes and add to the long-term value and life of their property and neighborhood. Gate City Bank is investing in this program by providing low-interest loans to eligible homeowners for qualified home improvement projects.
For eligibility, please refer to the following requirements:

- Available to homeowners of an owner-occupied residence that is 40 years or older
- Assessed value must be less than $250,000
- Requires automatic payment plan from Gate City Bank checking account
- Application must be received on or before October 31, 2021
- Subject to credit qualification and home evaluation

Contact the City of Fargo at 701-241-1474 or FargoND.gov/NRI for more information!

THE CITY OF Fargo
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Gate City Bank
For a Better Way of Life.®

43 locations in 22 communities across
North Dakota and central Minnesota

EQUAL HOUSING LENDER

*Terms and conditions may apply. A $25,000 home equity loan at 2.25% interest rate for 120 monthly payments of $232.84 will have a 2.59% annual percentage rate.

Member FDIC

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Type: 2nd Street Pedestrian Bridge Design and Acceptance of Federal Funds

Location: 2nd Street near City Hall

Date of Hearing: 3/29/2021

Routing	Date
City Commission	4/5/2021
PWPEC File	X
Project File	Jeremy Gorden

The Committee reviewed a communication from Transportation Division Engineer, Jeremy Gorden, regarding the award of federal funds through the Urban Grant Program to the City for the 2nd Street North Pedestrian Bridge.

The City of Fargo was notified that we have been awarded the funding for the project in the amount of $2,400,000. Engineering's estimate for the project is as follows:

Estimated Construction Costs are $3,000,000 for an 80/20 (Federal/Local) cost share.
Federal Funds - $2,400,000
Local Funds - $600,000

The City would be responsible for Design and Construction fees that are estimated at $400,000. This will bring the total Local Funds to $1,000,000.

In order for this project to move forward, the NDDOT Local Government Division needs an approval from our City Commission to allocate the funds for us. Staff is recommending acceptance of the Urban Grant Program funds from the NDDOT.

On a motion by Tim Mahoney, seconded by Bruce Grubb, the Committee voted to recommend acceptance of Urban Grant Program funds from the NDDOT in the amount of $2,400,000 for the 2nd Street Pedestrian Bridge programmed for construction in 2023.

RECOMMENDED MOTION
Concur with the recommendations of PWPEC and approve acceptance of the Urban Grant Program funds from the NDDOT in the amount of $2,400,000 for the 2nd Street Pedestrian Bridge programmed for construction in 2023.

PROJECT FINANCING INFORMATION:
Recommended source of funding for project: Federal Funds & City of Fargo Funds

	Yes	No
Developer meets City policy for payment of delinquent specials	N/A	
Agreement for payment of specials required of developer	N/A	
Letter of Credit required (per policy approved 5-28-13)	N/A	

COMMITTEE	Present	Yes	No	Unanimous
				☑
Tim Mahoney, Mayor	☑	☑	☐	
Nicole Crutchfield, Director of Planning	☑	☑	☐	
Steve Dirksen, Fire Chief	☑	☑	☐	
Bruce Grubb, City Administrator	☑	☑	☐	
Ben Dow, Director of Operations	☑	☑	☐	
Steve Sprague, City Auditor	☑	☑	☐	
Brenda Derrig, City Engineer	☑	☑	☐	
Kent Costin, Finance Director	☐	☐	☐	

ATTEST:

Jeremy M. Gorden, PE, PTOE
Transportation Division Engineer

THE CITY OF Fargo
FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

March 24, 2021

To: Members of PWPEC

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

Subject: Discussion of 2nd Street Pedestrian Bridge Design and Acceptance of Federal Funds Urban Grant Program for Year 2023 construction

In December, we sent our applications over to Metro COG for the projects that we were requesting federal aid on, one of which was the 2nd Street pedestrian bridge project outside of City Hall. We were notified recently that we have been awarded funding for that project, in the amount of 2.4M. Shown below is how I estimated the project.

Item	Total	Federal	State	Local
Preliminary Engineering	300,000	0	0	300,000
Construction Administration and Construction Staking (estimated)	100,000	0	0	100,000
Bridge and Shared Use Path				
Mobilization	130,000	104,000	0	26,000
Steel Truss Bridge	614,645	491,716	0	122,929
West Side Path Connections	413,550	330,840	0	82,710
West Side Retaining Wall & Lightweight Fill	364,000	291,200	0	72,800
East Side Ramps & Switchback	1,419,012	1,135,210	0	283,802
Street Lighting	58,793	47,034	0	11,759
Totals	**3,400,000**	**2,400,000**	**0**	**1,000,000**

The estimate was based on a very preliminary layout that Houston Engineering and SRF Consulting had put together in the 2014-2016 time frame. Please see the attached Finance memo for versions of the preliminary layout, both of which would be a steel truss style bridge. Since that time, we have had Bishop Land Design lay out a variety of options for the Civic Plaza, which includes a different type of bridge over 2nd Street than what the Houston/SRF team had envisioned. His bridge type is a cable-stayed bridge, of which the preliminary cost estimate is unknown, but likely well above the estimate created above.

We plan to procure a consultant design team through an RFP, and through that process we expect good conversations to take place on what final design alternative moves forward to construction.

In order for this project to move forward, the NDDOT Local Government Division needs an approval from our City Commission to allocate the funds for us, thus the reason for this memo.

Recommended Motion
To approve accepting the Urban Grant Program funds from the NDDOT in the amount of $2.4 million for this project, slated for construction in 2023.

JMG/jmg
Attachments

THE CITY OF Fargo
FAR MORE

Engineering Department
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1545 | Fax: 701.241.8101
Email feng@FargoND.gov
www.FargoND.gov

March 25, 2021

To: Members of Finance Committee

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

Nicole Crutchfield, AICP, ASLA
Planning Director

Subject: Preliminary Discussion of 2nd Street Pedestrian Bridge Design
Urban Grant Program for Year 2023 construction

In December, we sent our applications over to Metro COG for the projects that we were requesting federal aid on, one of which was the 2nd Street pedestrian bridge project outside of City Hall. We were notified recently that we have been awarded funding for that project, in the amount of 2.4M.

The estimate was based on a very preliminary layout that Houston Engineering and SRF Consulting had put together in the 2014-2016 time frame as part of the floodwall work along 2nd St. Attached is that layout, concepts that HDR and Bishop Land Design put together for the plaza, as well as a number of other bridge examples.

As we accept funding and go into design development through an RFP, to do both, staff would like to coordinate with the Finance Committee, PWPEC and ultimately the City Commission, confirming the vision for bridge alternatives and corresponding site work. The significance of the design may impact the need for additional funds above the required match funds. We would also like to note the potential of development of properties surrounding this area by City Hall, including the Civic Plaza and Performing Arts Center, so the context of these developments are thought of collectively.

Maegin Elshaug, from the Planning Department, put together a list of projects/studies that referenced the plaza and the connection to the river and potential bridges. We understand this area is important, as can be seen based on the amount of times this has been identified and included in studies.

As we being to think about implementation of the vision of the documents noted below, we will start to assemble design decision questions. As an example, as staff we begin to ask, how basic and utilitarian is the bridge versus creating a place of iconic significance? (See photo attachments) We seek conversation with the Finance Committee, PWPEC and City Commissioners to narrow the vision in order to be successful in procuring a consultant to create engineering and design documents for ultimate construction. Decisions of scope don't necessarily need to be conducted now, but as we accept the federal funds we are mindful of the need for design decisions in the near future as they will impact the funds needed for matching or beyond.

Compilation of the times the Civic Plaza has been contemplated:
**underlined plans* *include concept design of plaza*

- Downtown Fargo Redevelopment Master Plan (late 90's)
  - A key element of the plan was to establish a strong connection on 2nd Ave to the Red River; concept of plaza space included in plan.
- Riverfront Development Master Plan (2002)

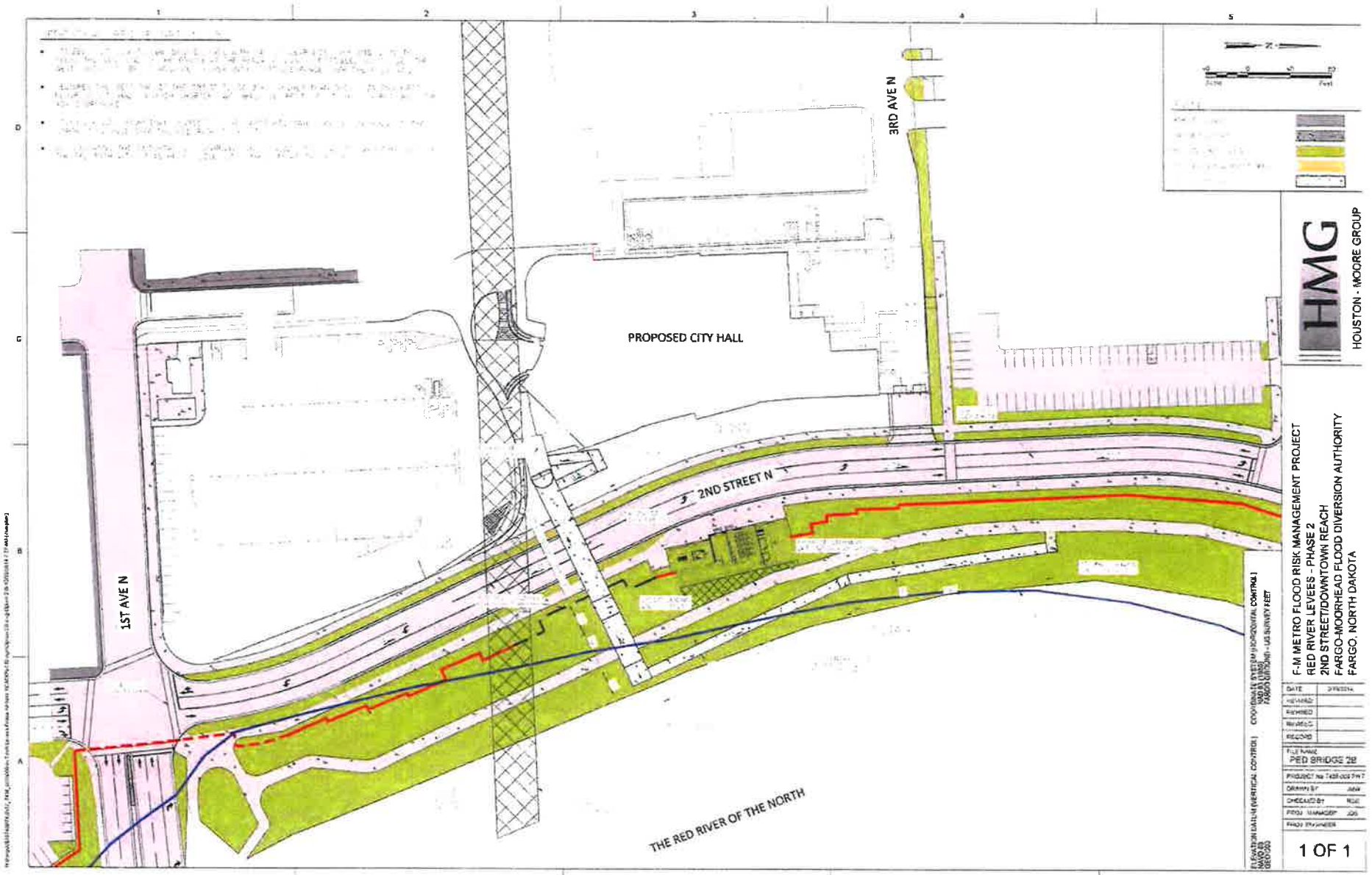
- Plan focuses on development and open spaces and includes a concept of plaza space.

- Fargo-Moorhead Downtown Framework Plan Update (2007)
  - Plan includes opportunities for elements of the civic quad (library, performing arts center, replacement of City Hall, etc.) including public riverfront plaza with concept design.
- Go2030 Comprehensive Plan (2012)
  - Recommendations to design multi-functional public gathering spaces (including plazas); does not specifically note civic plaza
- Siting of City Hall
  - 2013-14
- Riverfront Design Study by Image Group (2015 Update to the Riverfront Development Master Plan)
  - The plan contemplates a civic community plaza that gathers and celebrates, and that the plaza would help to tie together the Civic Center, New City Hall, Library, and Future Downtown Riverfront Development, while enhancing the connection to the Broadway District.
- Houston/SRF Flood Wall Project (beginning 2014; plaza work came after Riverfront Design Study)
  - As part of the 2nd Street Urban Design work, stemming from the new floodwall and greenspace adjacent to the Red River, the group conceptualized a civic plaza space adjacent to the location of the (then) new City Hall. See attachment.
- HDR (2016)
  - HDR was hired for City Hall and civic plaza site planning. Building off previous work, tasks included stakeholder discussions, design charrettes, and conceptual design work with renderings. See attachment.
- Downtown InFocus (2018) by Interface Studies, Bishop Land Design, and others
  - Plan proposes to create a new, actively programmed City Hall Plaza and pursue a bridge aligned with 2nd Avenue. The plan includes several concepts for the plaza.
- Public Art Master Plan (2018)
  - Suggests capitalizing on opportunities to integrate public art, infrastructure, and public investment projects, and to employ public art to better connect downtown with the right along 2nd Avenue and Civic Center plaza.
- Bishop Land Design (beginning 2019)
  - Bishop Land Design was hired to investigate opportunities to implement the vision of the Downtown InFocus comprehensive plan within the Civic Plaza. Building off previous work, tasks included contextual and site programming services, site and landscaping design services of Fargo Civic Plaza, Area 1 "Sodbuster Landscape", and concept design of the remainder of the Civic Plaza area. See attachment.

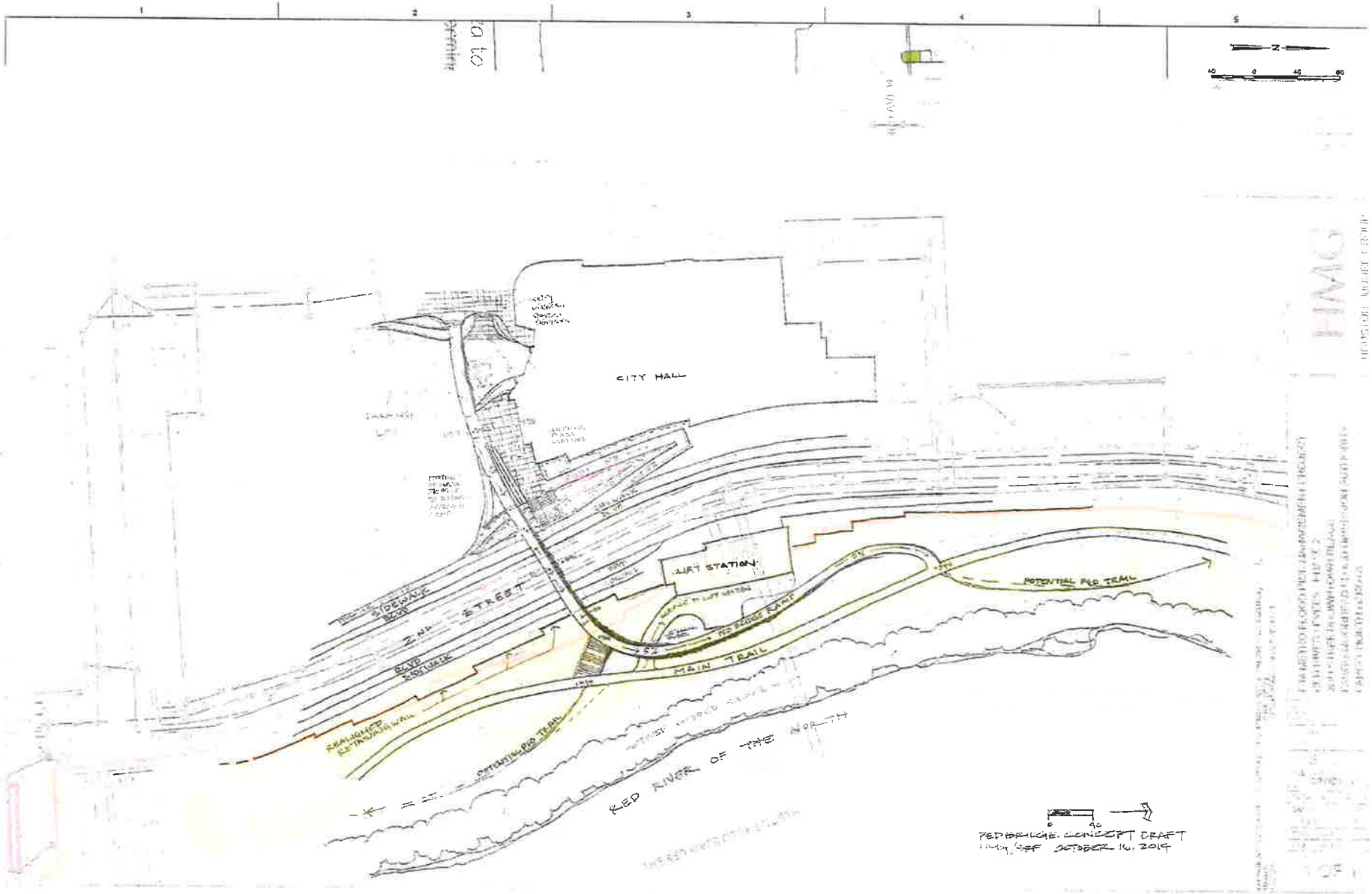
We look forward to a good discussion on the topic at the meeting. Next steps after Finance Committee, include PWPEC and City Commission. Assuming the grant funds are accepted, then an RFP will be created for a design team to create construction documents for 2023 construction.

Recommended Motion
No motion sought.

JMG/jmg
Attachments



Houston Moore Group (with SRF) - as part of 2nd St Urban Design work



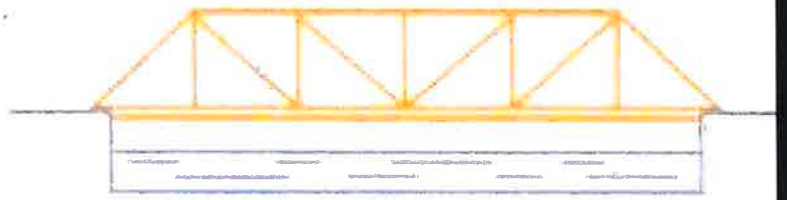
Houston Moore Group (with SRF) - as part of 2nd St Urban Design work

HDR Concept - as part of City Hall and plaza site planning

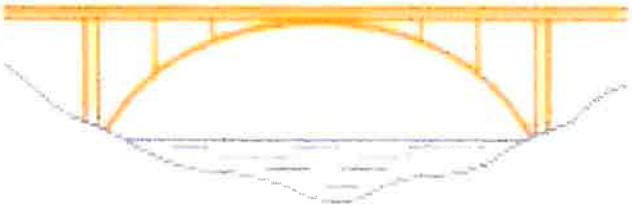
Bishop Land Design - Bridge and plaza concept

TYPES OF BRIDGES

truss bridge

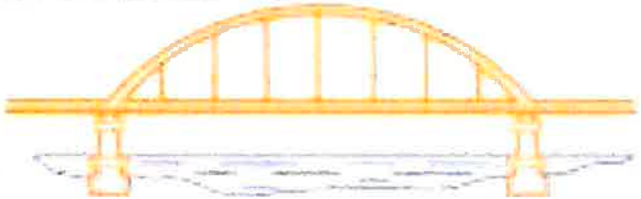


arch bridge

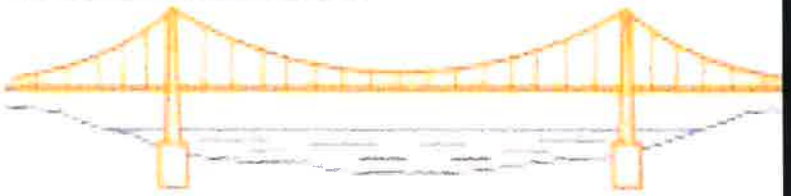


beam bridge

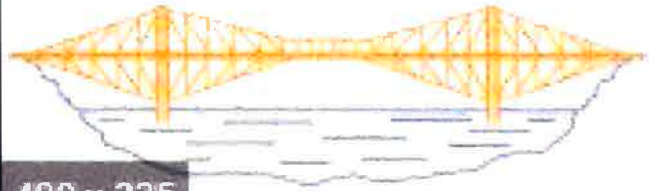
tied arch bridge



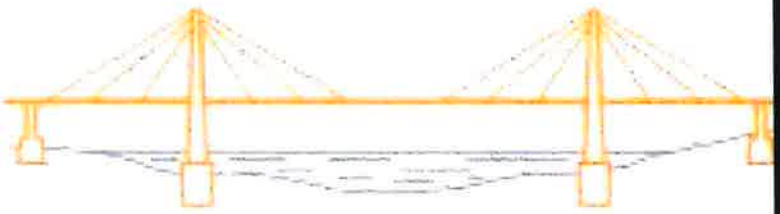
suspension bridge



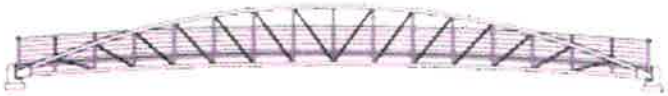
cantilever bridge



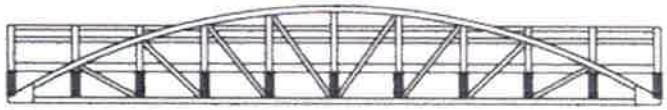
cable stayed bridge



400 × 335

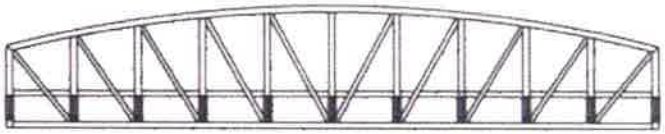


Keystone® Pedestrian Truss



Keystone® Vehicular Truss

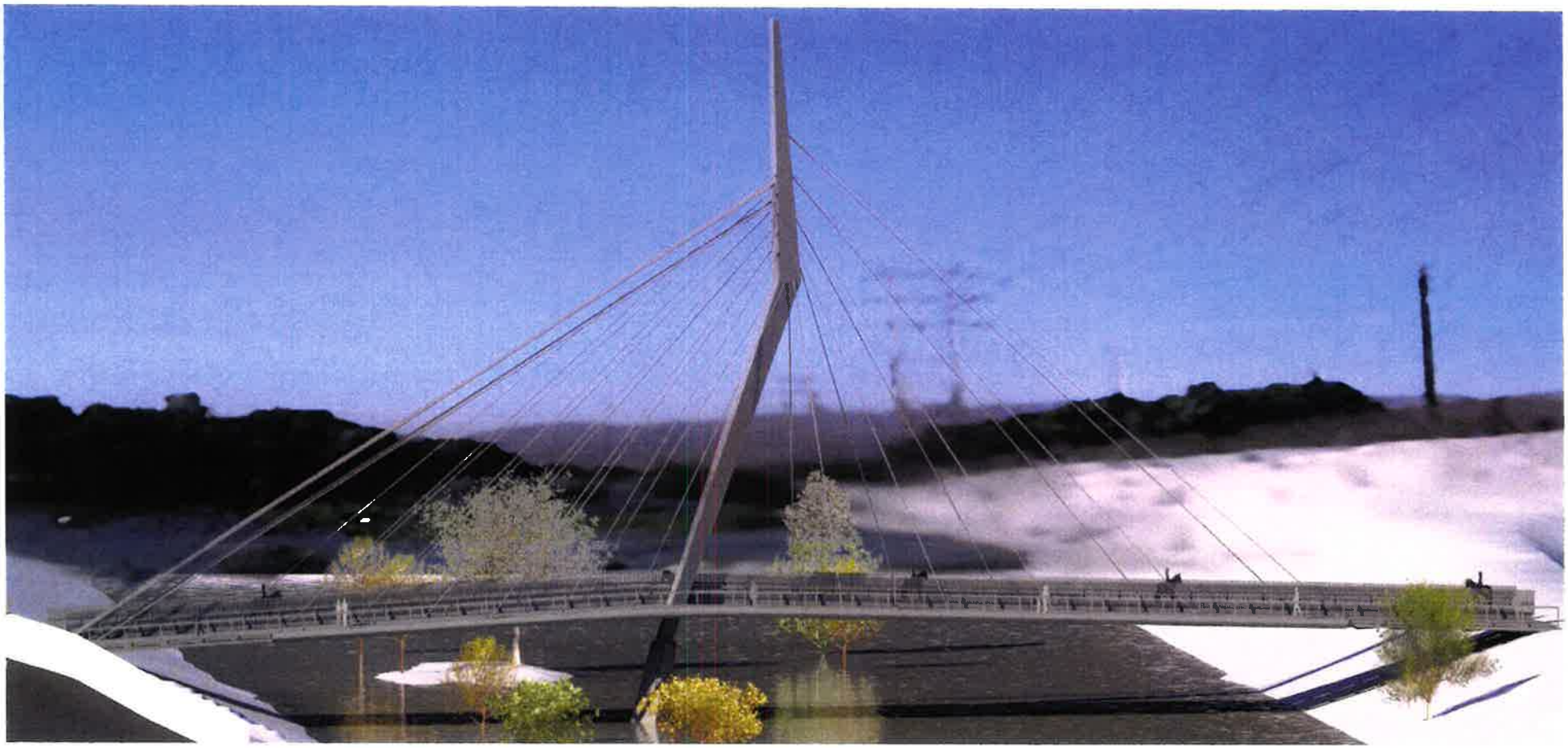
Capstone® Pedestrian Truss



Capstone® Vehicular Truss

Cable-Stayed Pedestrian Truss

VANDERBILT UNIVERSITY



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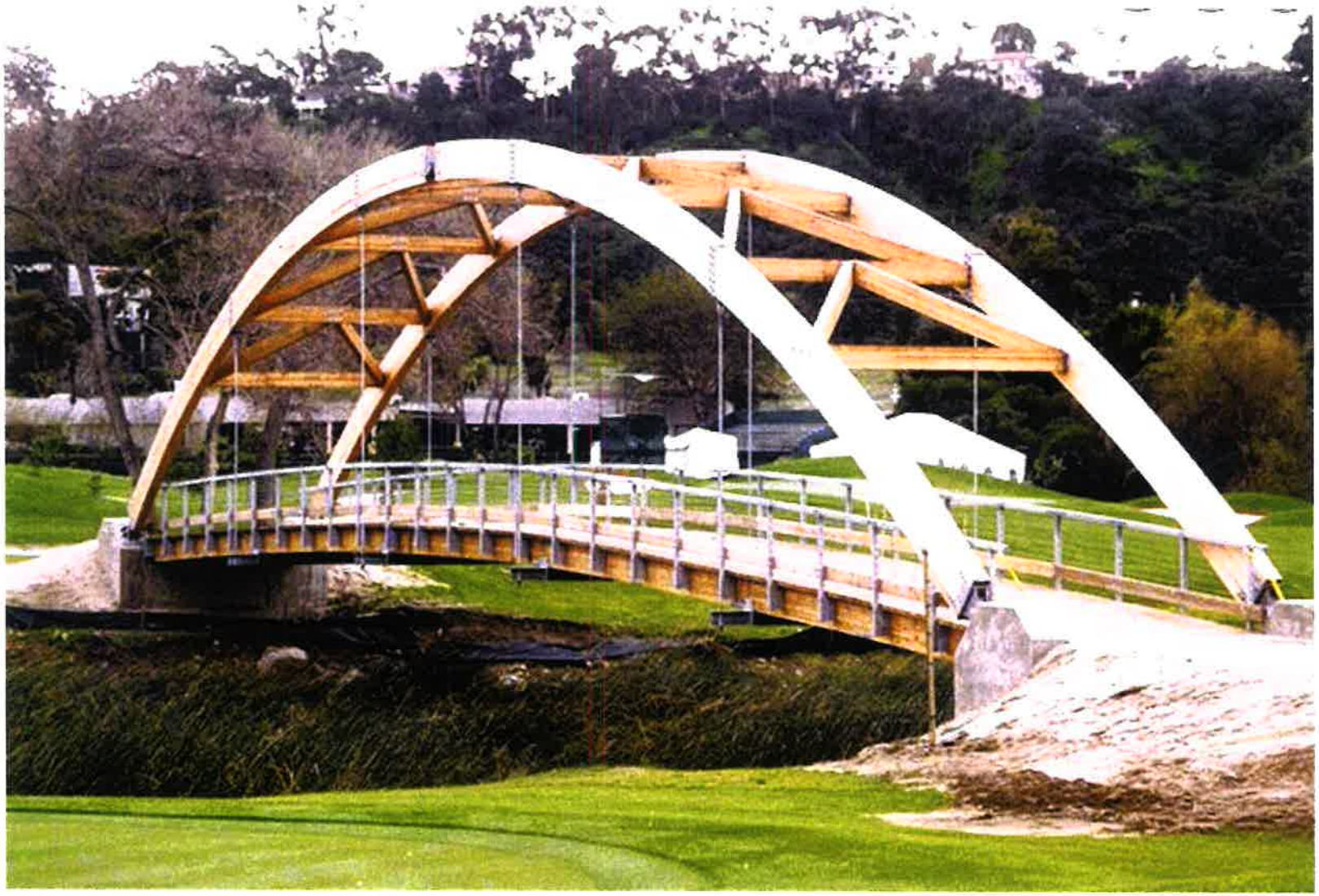


THE CITY OF Fargo
FAR MORE

50

MEMORANDUM

TO: **BOARD OF CITY COMMISSIONERS**

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

DATE: **MARCH 31, 2021**

SUBJECT: **POLICY CHANGE IN TIF REVIEW PROCESS**

The Tax Exempt Review Committee is recommending a change in the process for reviewing applications for Tax Increment Financing.

The existing policy is for an initial review by the Fargo City Commission prior to staff working on a plan and development agreement. The Tax Exempt Review Committee is recommending that their Committee, rather than the City Commission, do the initial review. This change would allow the Tax Exempt Review Committee to review the appropriateness of the first phase and the need for property tax incentives in the second phase of the review.

There is one pending request for Tax Increment Financing from Drekker Brewing, attached for your information. This application has been held pending the special City Commission meeting to discuss incentives.

Should the City Commission approve the TIF process change, the Tax Exempt Review Committee did review the Drekker application and recommended a financial review and that staff begin working on a Renewal Plan. If the City Commission makes this change in the TIF process, that work would begin.

Should the City Commission not make this change, please review the Drekker request and decide if preparation of a financial review and Renewal Plan should begin.

RECOMMENDED MOTION: Approve a change in the review process for requests for Tax Increment Financing for the review to begin with the Tax Exempt Review Committee.

January 14, 2021

Jim Gilmour, Director of Strategic Planning & Research
City of Fargo
225 4th Street North
Fargo, ND 58102

RE: TIF Application
Brewhalla Market / Mixed Use
1702 1st Avenue North
Fargo, ND

Mr. Gilmour,

We are partnering with the Drekker Brewing ownership on a new and exciting project in north Fargo on the west edge of Downtown, Brewhalla Market. The 100,000 SF project includes a 2 story Food Market / Multi-Use space; 2 Conference / Event spaces; 24 Lodging Units; 18 Apartment Units; underground parking for 41 vehicles; and a connecting corridor to the existing Drekker Brewery. The project also includes surface parking for nearly 200 cars; a drive-up lane for a Coffee Shop; 2 on-grade Outdoor Patios; 3 balconies or rooftop terraces; and a storm detention pond to manage storm water at this site.

We have been working on this project for nearly two years. Land acquisition required the purchase of a storage unit complex across 1st Avenue and the demolition of 4 buildings to facilitate a "trade" for the proposed new site for this project. This drove up the land cost substantially but had the added benefit of cleaning up and improving adjacent properties.

We have been working on determining the project costs and developing a business model estimating the potential revenue and expenses. The unique characteristics of this project and project site are leading us to request a TIF for this project to help offset the unusual costs that we are running into, some of which are summarized below:

- Land Acquisition resulted in an additional cost of nearly $1.0M to acquire an adjoining property, demo 4 buildings and improve the site in order to "trade" for a pipe storage yard near Drekker. This benefited Ferguson Waterworks by adding land that is now contiguous to their site and eliminating the need to move utility pipes from one yard to another across the busy 1st Avenue and resulted in a site that we could work with.

- The current site was used as a demo site in the late 1960's for building debris removed after the Fargo Central High School fire. This will result in additional excavation costs to remove and dispose of this material.

- Soil conditions require the addition of geopiers to support parts of the building foundation to avoid excessive settlement over time.

- There are added demolition costs for clearing / grading the industrial pipe storage yard and soils near the railroad track.

- There are a number of public works improvement costs unique to this site particularly for sanitary sewer and storm sewer work. The sanitary sewer in the 1st Avenue right-of-way was stopped well short of this site requiring additional costs to bring sewer to the site. There are also added costs to provide a storm water pond and manage storm water run-off at a site which has never been required to manage storm water till now.

We are estimating the assessed value of our project at $15-16M. We are requesting a TIF for this project that will be capped at a maximum of 10 years. The site is currently undeveloped and has an annual tax payment of approximately $9,000 / yr. We are estimating the new Brewhalla project will generate a new tax assessment of $150,000 to $175,000 annually.

We are hoping to start construction in May this year and to complete the construction by September, 2022 with move-in to start as soon as construction wraps up.

It is important to note that the site for this new project is an "Infill Site" and does not require any additional public work or costs to extend streets or utilities. The project will continue to pay taxes on the land and any existing or new special assessments during the TIF period as it currently does.

Thank you for considering our request for a TIF capped at 10 years for the new Brewhalla Market project. If there are any questions or comments, please feel free to contact us at your convenience.

Sincerely,

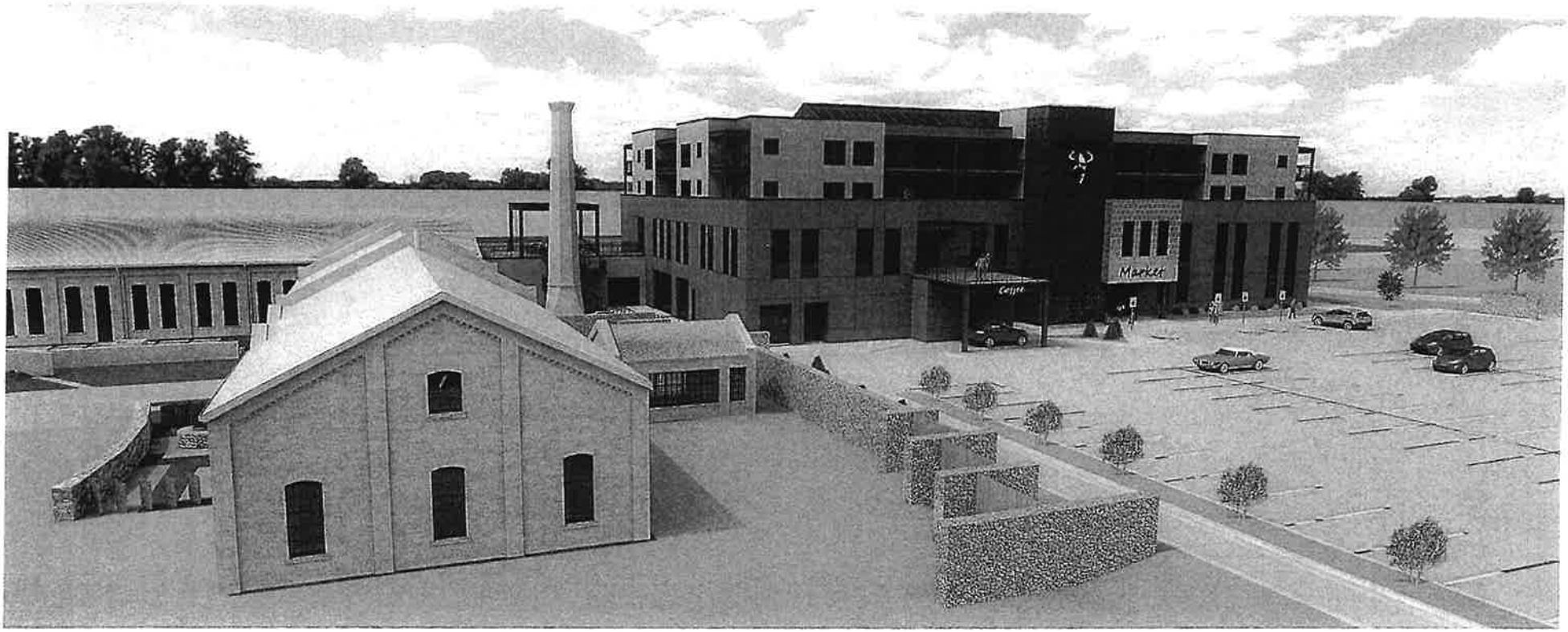
Kevin J. Bartram, President
PS Holdings, LLC

KJB/srk

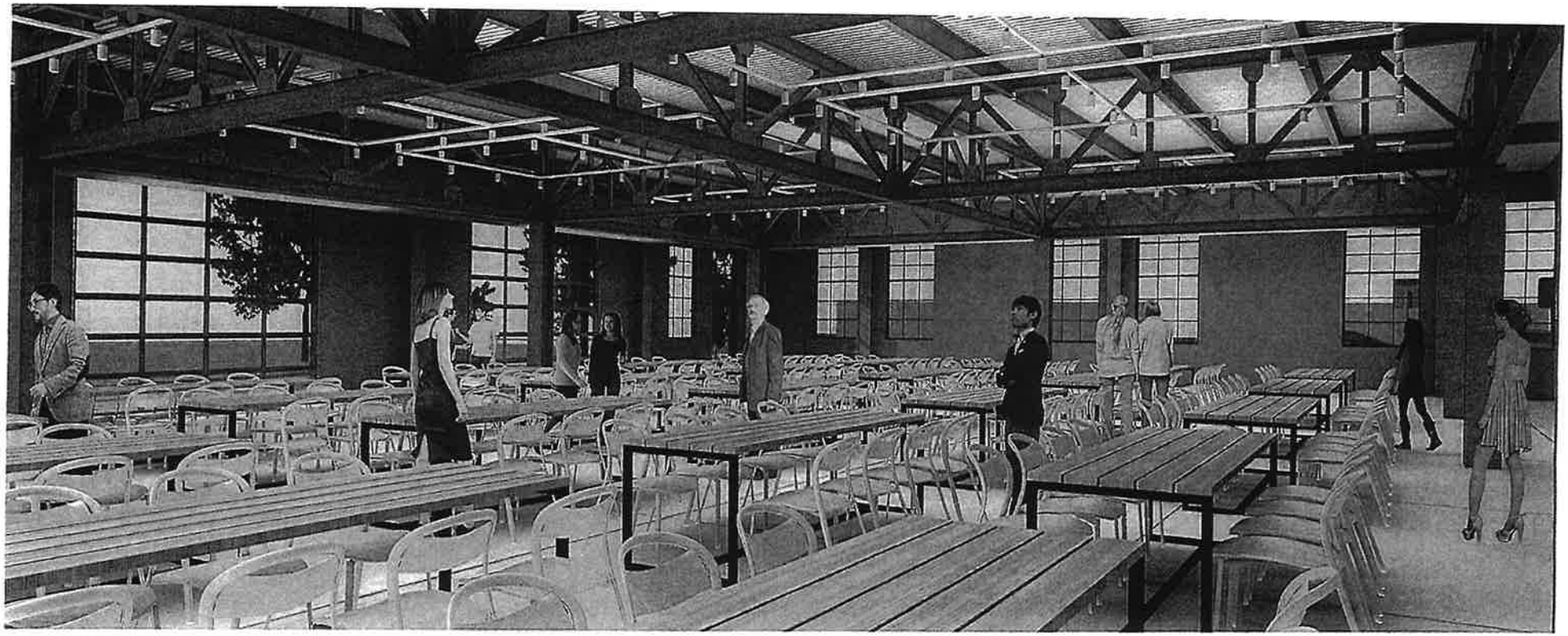
SUBJECT: Estimate - TIF Eligible Expenses
Brewhalla
Fargo, North Dakota

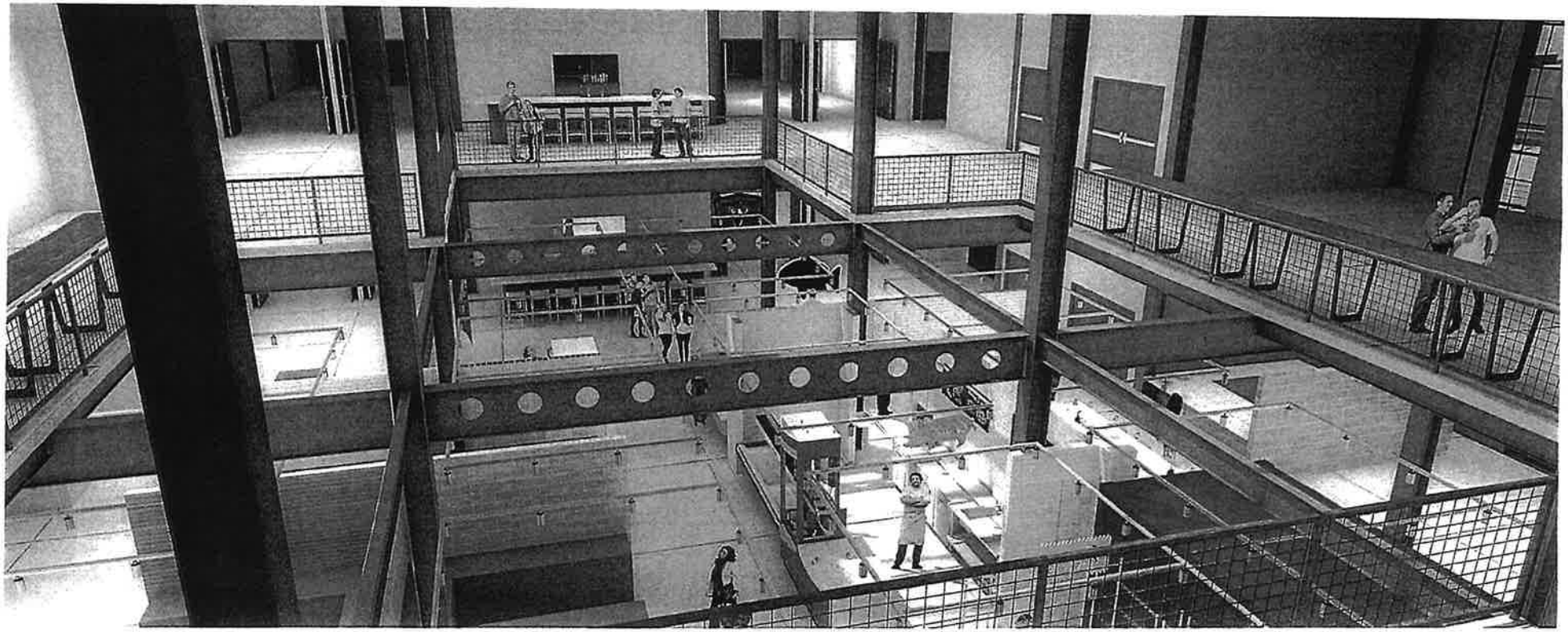
DATE: January 14, 2021

A. Property Acquisition Costs			
- Land cost (required purchase of adjacent site & demo of 4 buildings. Adjacent site exchanged for project site.)		1,280,639	
- Less current assessed value of Parcel B		(309,000)	
Additional Acquisition Costs			971,639
B. Demolition & Site Clearing / Grading			
- Tree Trimming / Removal	Estimate	5,000	
- Clearing / Grading	Estimate	40,000	
- Soil Borings	Northern Technologies	8,450	
- Remove Poor Soils & Replace w/Suitable Soils	Estimate	175,000	
- Disconnect Utilities	Estimate	10,000	
- Site Survey	Houston Engineering	3,200	
			241,650
C. Enhanced Structural System Costs Due to Poor Soils			
- Geopier soil reinforcement	Peterson Contractors	91,600	
- Haul excess materials	Estimate	10,000	
			101,600
D. Public Works Improvements			
- Remove existing concrete sidewalk	Estimate	2,500	
- Provide new curb & gutter	Estimate	5,000	
- New sidewalk	Estimate	5,000	
- Landscaping in ROW	Estimate	15,000	
- New sewer, water, storm stubs in ROW	Estimate	23,750	
- Gas main relocate	Estimate	1,500	
- Storm detention pond	Estimate	50,000	
- Land value for storm pond	Estimate	13,500	
- Signage / barricades	3D Specialties	2,500	
			118,750
Total			1,433,639
E. City Administrative Fee (5%)			71,682
Total TIF Eligible Expenses			1,505,321
	Rounded		**1,500,000**

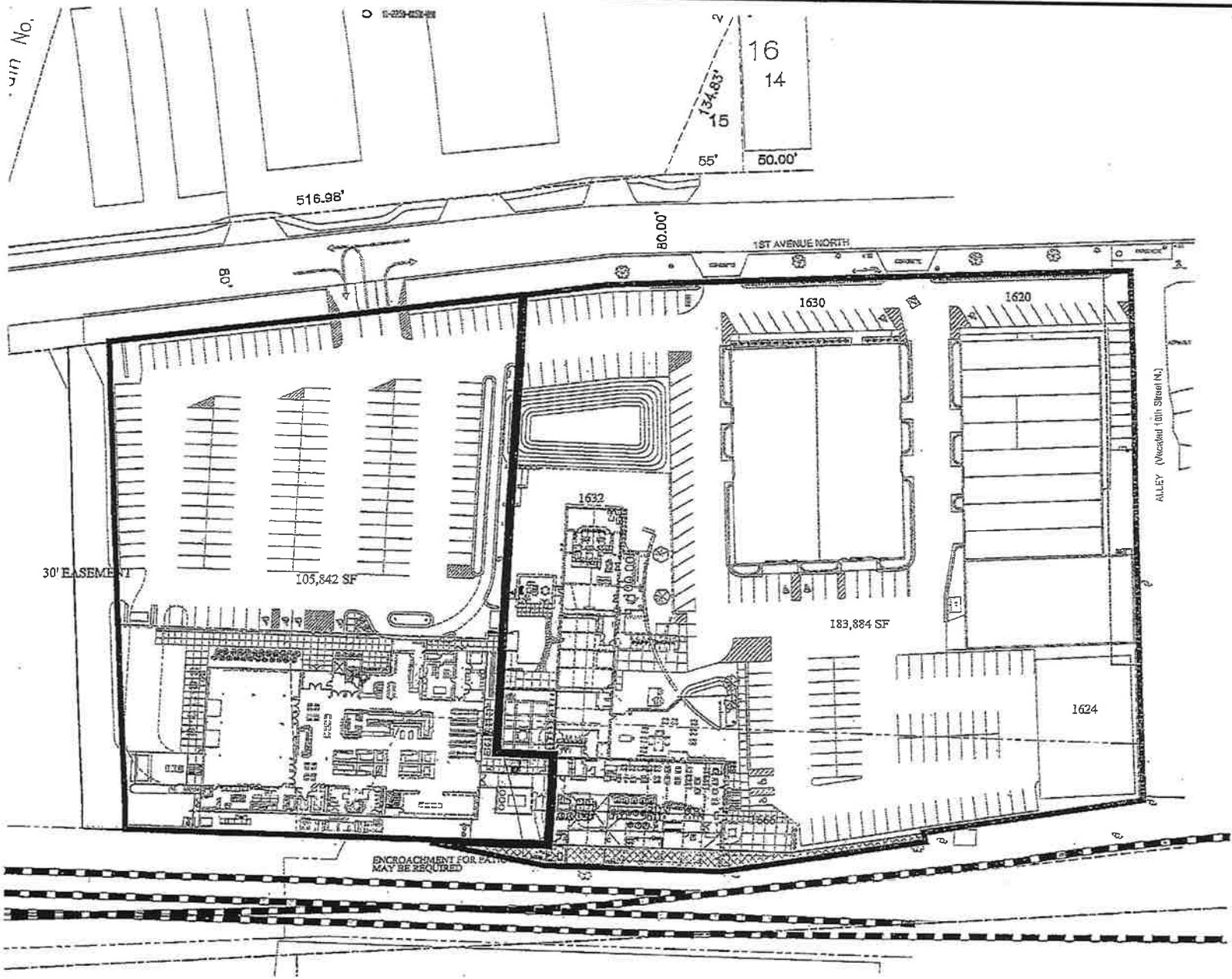

Market

Market





Fresh
Seafood
TILAPIA FILLET



BREWHALLA MARKET

FARGO, NORTH DAKOTA

M | B | A

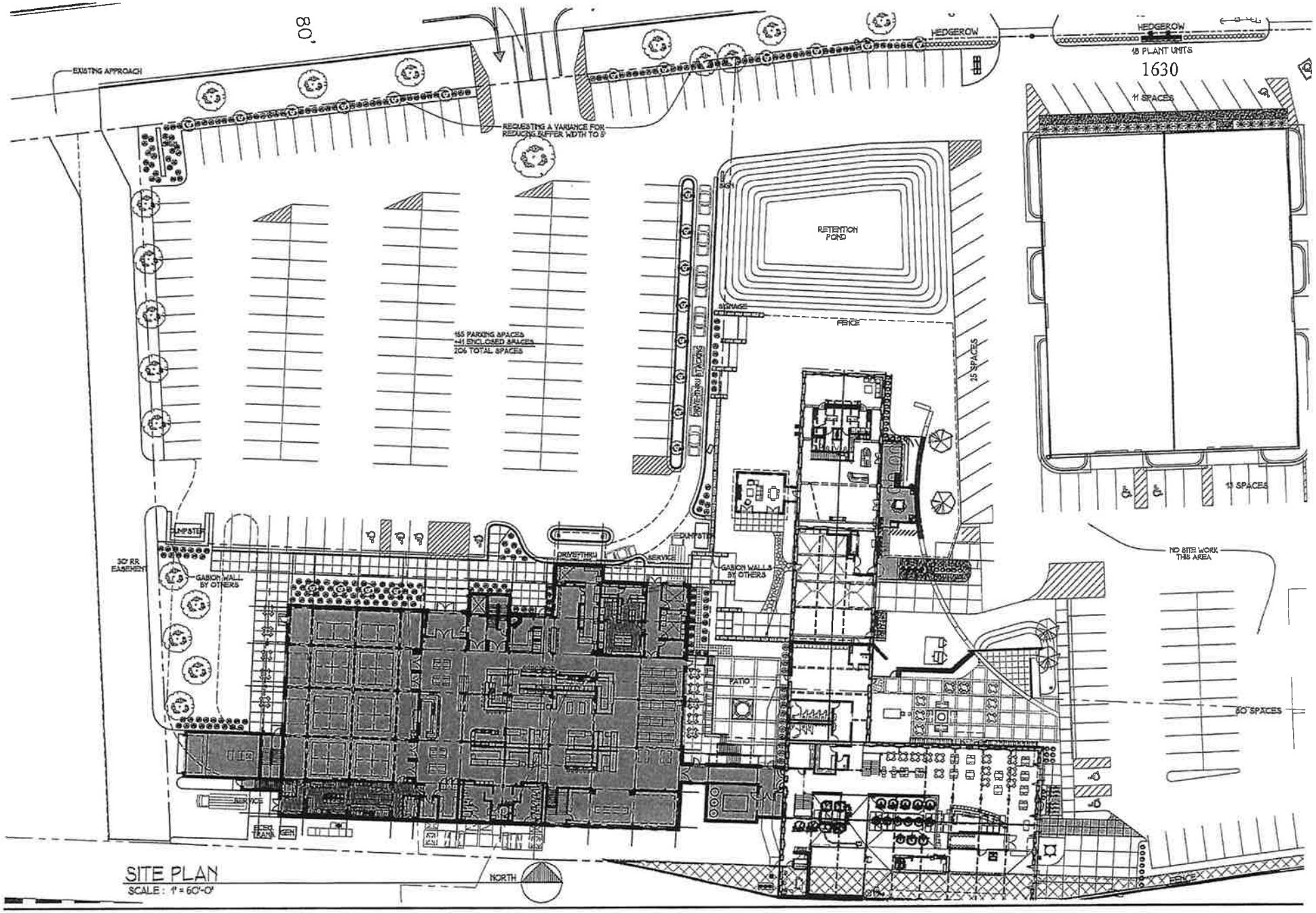
MUTCHLER BARTRAM ARCHITECTS, P.C.

SITE PLAN

Project Number

Date

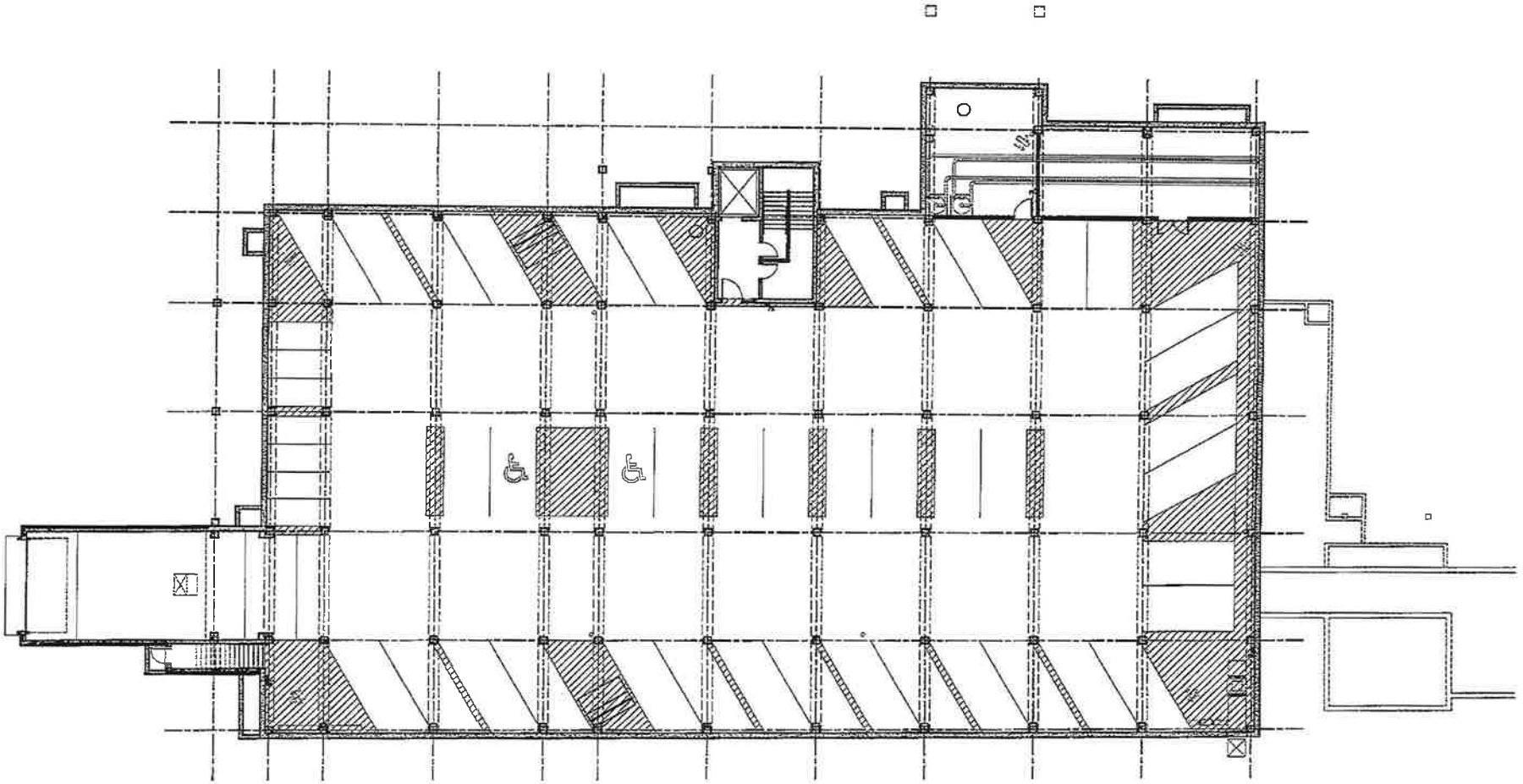
A1.1



BREWHALLA MARKET

FARGO, NORTH DAKOTA

MBA ARCHITECTS



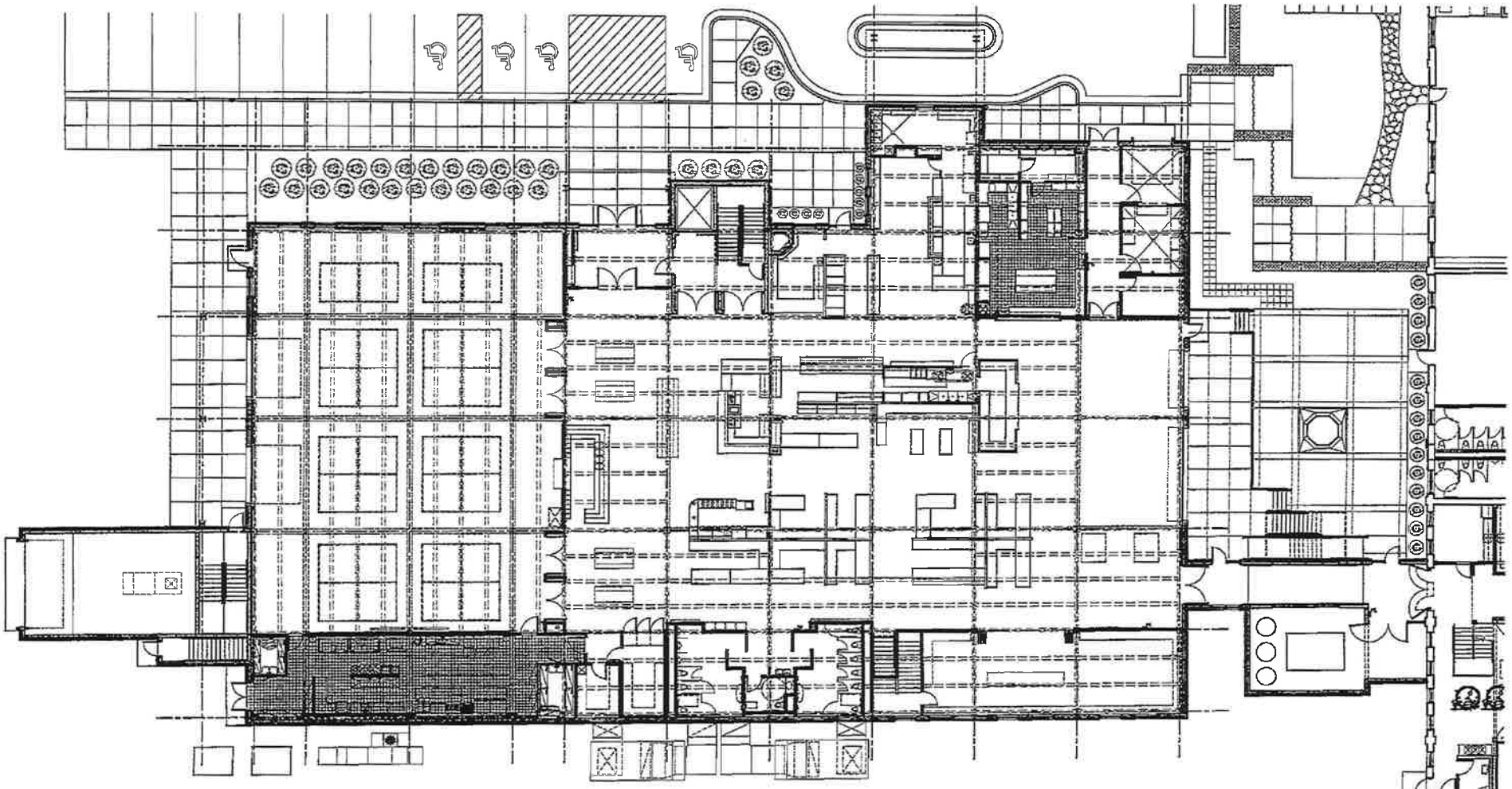
BASEMENT FLOOR PLAN
SCALE : 1" = 30'-0"

NORTH

BREWHALLA MARKET

FARGO, NORTH DAKOTA

MBA ARCHITECTS



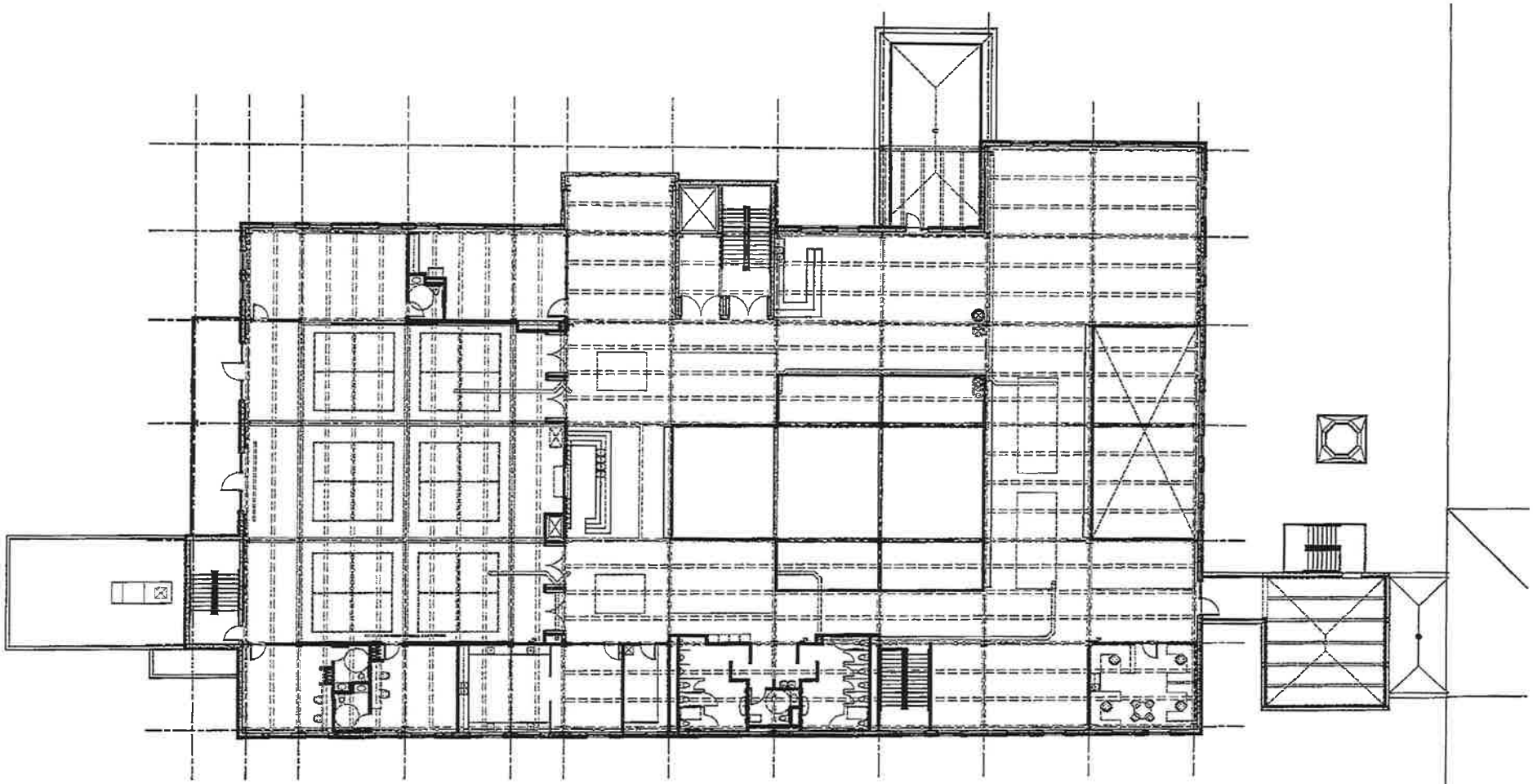
FIRST FLOOR PLAN
SCALE : 1" = 50'-0"

NORTH

BREWHALLA MARKET

FARGO, NORTH DAKOTA

MBA ARCHITECTS



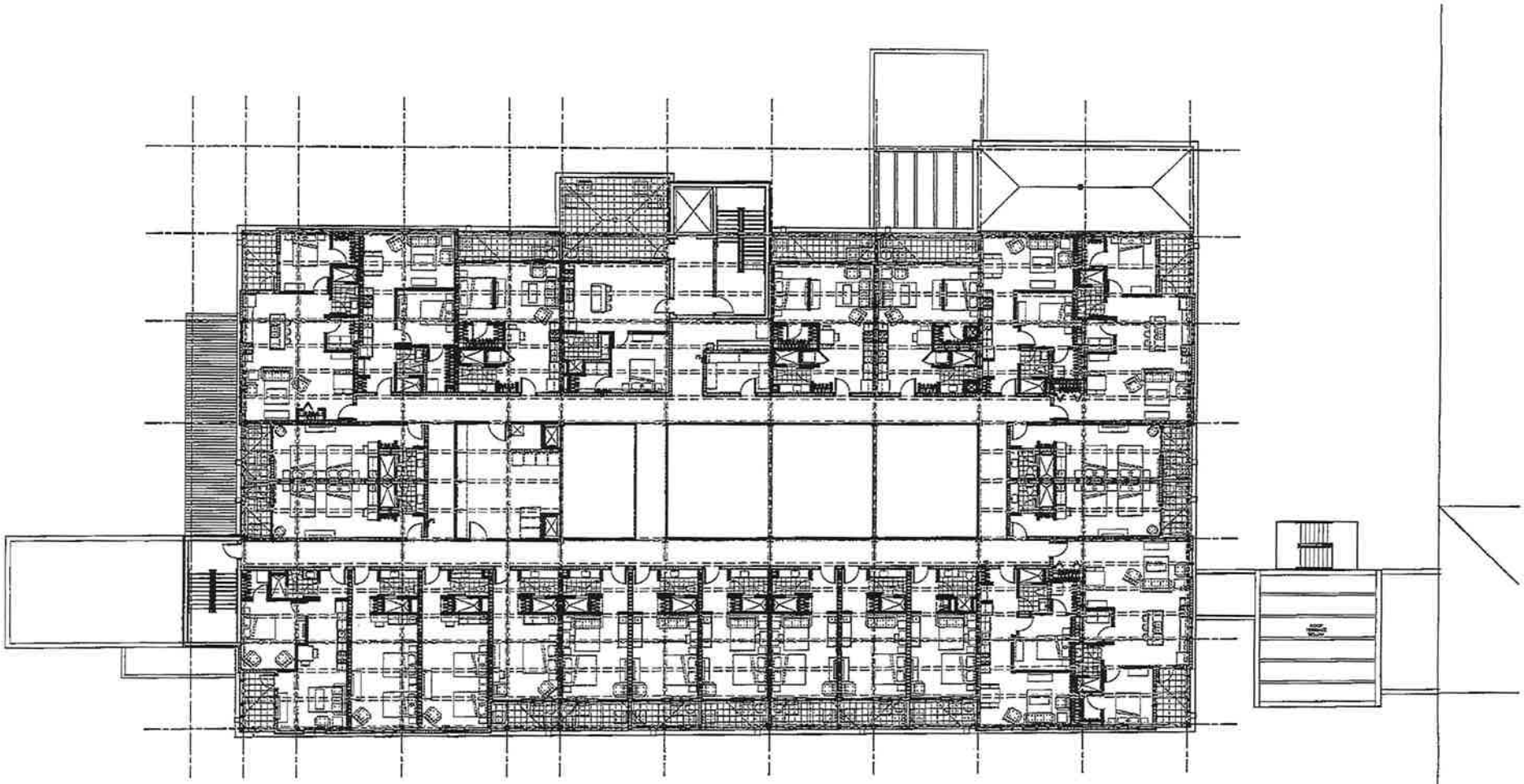
SECOND FLOOR PLAN
SCALE : 1" = 30'-0"

NORTH

BREWHALLA MARKET

FARGO, NORTH DAKOTA

M B A
ARCHITECTS



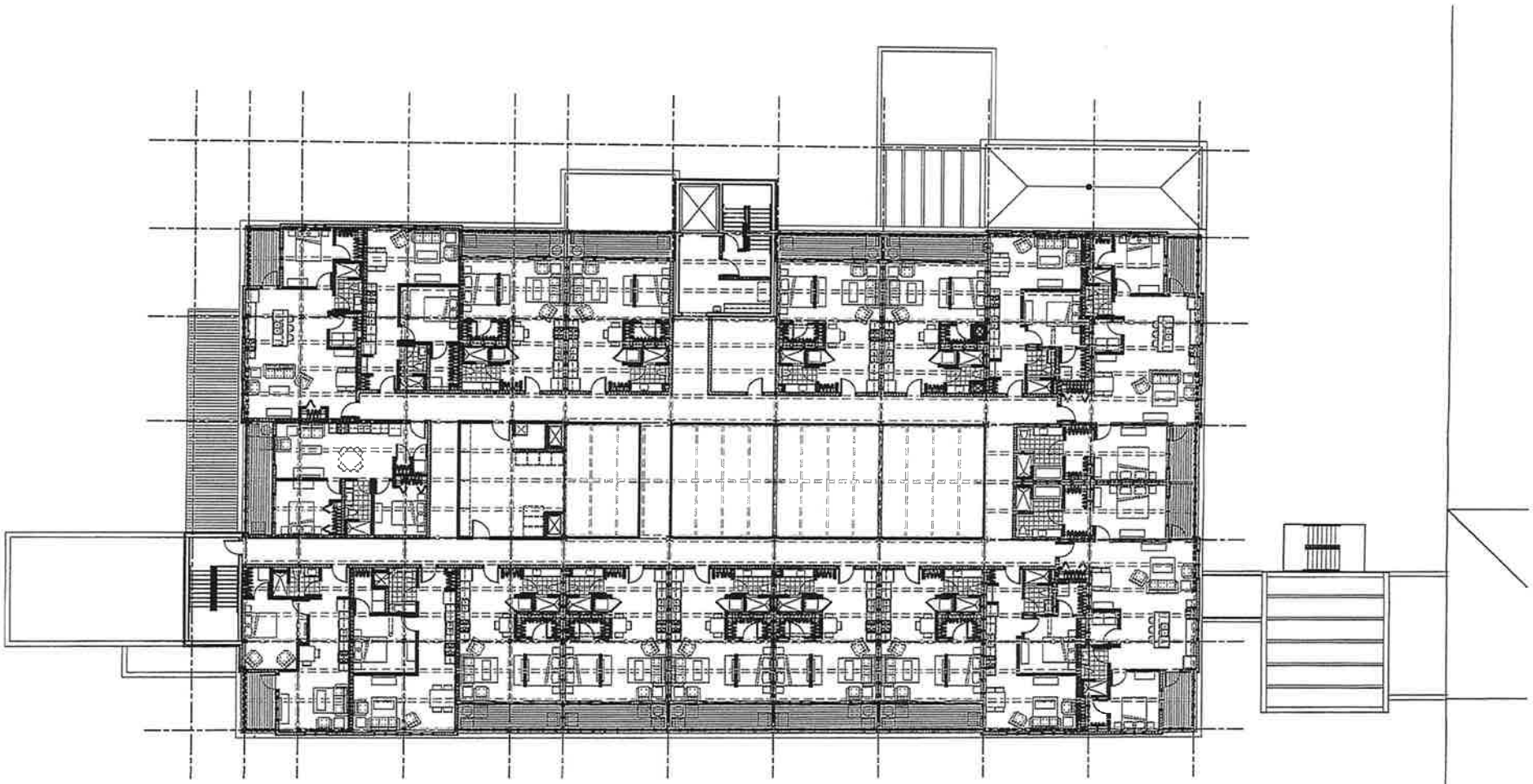
THIRD FLOOR PLAN
SCALE : 1" = 30'-0"

NORTH

BREWHALLA MARKET

FARGO, NORTH DAKOTA

MBA ARCHITECTS



FOURTH FLOOR PLAN
SCALE : 1" = 30'-0"

NORTH

BREWHALLA MARKET

FARGO, NORTH DAKOTA

MBA ARCHITECTS

BREWHALLA MARKET / MIXED USE
1702 1ST AVENUE NORTH
FARGO, NORTH DAKOTA

SUBJECT: Request for Pay-Go TIF with 10 Year Maximum Term
DATE: February 22, 2021

This site was initially developed in 1882/1883 and other structures were located on this site until the 1920's or so. Based on our experience with the development of the Railyard complex to the east of Brewhalla and our knowledge that other buildings existed on the Brewhalla site, we are certain we will experience added costs for the sitework. Following are some notes related to each site – the already developed Railyard site and the proposed Brewhalla site.

Railyard Site

- Nearly every excavation for site utility piping encountered old foundations (masonry, stone and concrete).
- Bad soils were encountered where old foundations were improperly backfilled.
- At one excavation for the addition to the private residence, there was an approximately 20' x 20' x 6' deep excavation that had been backfilled entirely with layers of plate glass covered by a foot or so of soils all of which needed to be removed.

Brewhalla Site

- A former roundhouse was located in the area of this site (see attached photograph) and we will undoubtedly encounter the old foundations.
- The new soil borings encountered known construction rubble in three locations on site.
- There is anecdotal information that part of the old central High School construction debris was "land-filled" in the area of the new construction. This could include asbestos containing materials and lead paint the full extent of which will not be known until excavation work commences.
- The soil borings indicate that 12'-15' of soil must be removed and the ground be built up for the new foundation system.
- The site is a Brownfield site, not in the traditional sense that there is any known petroleum or chemical contamination, but in the sense that there is known underground debris and contamination the extent of which won't be fully known until excavation work begins.

We are requesting a 10 year TIF to help offset the unusual costs to acquire the site and the unusual costs to prepare the site for development. This is not a TIF that will put ANY financial burden or risk on the City. Without the TIF, it is very likely this project, or any project, will go forward at this site and the site will keep generating approximately $10,000 / year of taxes for the City, County, School District over the next 10 years and beyond. With the TIF, this site will CONTINUE to generate the same $10,000 / year in taxes and beginning in year 11 or sooner, the site will generate $175,000 or more per year in taxes. This would be accomplished with no public bonds or financial risk of any kind to the public on an infill site that will help spur other activity in the area which will in turn lead to even more in future tax collections.

We are respectfully requesting a Pay-Go TIF (no bonds or public funds) for a maximum term of 10 years to help the Brewhalla development project offset some of the unique additional costs associated with this site that are not typical of similar sites in the area or at any suburban sites.

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ORDINANCE NO. _____

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

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

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

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

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

NOW, THEREFORE,

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

Section 1. Amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The licensee has filed a petition in bankruptcy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Third offense - revocation of license.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Second offense: $500 monetary penalty.

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

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

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

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

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

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

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

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

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

Section 2. Enactment.

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

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

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

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

Section 3. Enactment.

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

25-1514- Creation of a Liquor Control Board

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

Section 4. Enactment.

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

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

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

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

Section 5. Enactment.

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

25-1516-Removal

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

Section 6. Enactment.

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

25-1517- Powers and Duties

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

Section 7. Amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 8. Amendment.

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

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

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

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

Section 9. Amendment.

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

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

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

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

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

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

Section 10. Effective Date

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

Section 11. Penalty.

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

(SEAL)

_____
Timothy J. Mahoney, Mayor

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication: