

FARGO CITY COMMISSION AGENDA
Monday, August 9, 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, July 26, 2021 and Special Meeting, July 27, 2021).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Findings, Conclusions and Order of the Board of City Commissioners of the City of Fargo regarding the License Suspension of the International African Restaurant and Nightclub, LLC.
- 2. Draft “Spirit of the Sandbagger” Artwork Donation Agreement with the Fargo Lions Club, subject to further negotiations and provisions by the parties.
- 3. Applications for Games of Chance:
 - a. Brooks Theisen Benefit for a raffle on 9/18/21; Public Spirited Resolution.
 - b. Sts. Anne and Joachim Catholic Church for a raffle on 11/14/21.
 - c. YWCA Cass Clay for a raffle on 9/2/21.
- 4. Doyle’s Yellow Checker Cab, Inc. rate change.
- 5. Pledged securities as of 6/30/21.
- 6. Milestone No. 3 (Change Order No. 1) for a time extension to remove construction of the earthen levee from the 60 calendar day timeframe.
- 7. Payment to Xcel Energy in the amount of \$64,620.78 for the installation of three phase power and a transformer for the new storm sewer lift station.
- 8. Encroachment Agreement with Urban Crossing Apartments, LLP.
- 9. Purchase Agreement, Easement (Temporary Construction Easement), Permanent Easement (Levee for Flood Control), License Agreement and Declaration of Restrictive Covenant with Richard Robert Jordahl and Leanne Jordahl (Project No. FM-19-A).
- 10. Eighth Amended Lease Agreement with North Dakota State University.
- 11. State Water Commission request for cost reimbursement for the FM Metro Area Flood Risk Management Project for costs totaling \$5,862,311.78.
- 12. Agreement for Services with AE2S Communications to expand the “EveryBody” Campaign.

- Page 12. Notice of Grant Award - Restricted Funding with the ND Department of Environmental Quality for public water supply supervision program-EPA Block (CFDA #66.605).
14. Community Faculty Contract (Hospital/Clinic with Single Contract) with University of North Dakota School of Medicine and Health Sciences.
 15. Resolution Approving Plat of Peterson Addition.
 16. Application for Appropriation from Civil Asset Forfeiture Fund to purchase a 1-year software and maintenance agreement from Leica Geosystems.
 17. Amendment No. 1 to the Energy Conservation Program Grant Agreement with the ND Department of Commerce for Energy Conservation Grant funds for the Police Headquarters Project (RFP20064).
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18. Direct the City Forester to work with the City Attorney to revise the recommended Ordinances to conform with the Tree Ordinance Task Force's recommendations.
 19. Bid award for hardware/software/time/support for the east landfill scale house Project No. SW 20-01.
 20. Bid award for Project No. SW 21-02.
 21. Bid award for Project No. WA2055.
 22. Bills.
 23. Preliminary Engineering Reimbursement Agreement with the ND Department of Transportation (Improvement District No. BR-23-A1).
 24. Change Order No. 2 for an increase in the amount of \$80,337.92 for Improvement District No. PR-21-G1.
 25. Create Improvement District Nos. BN-21-E and BN-21-L.

REGULAR AGENDA:

26. **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).**
27. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
 - a. Application for a Class "GH" Alcoholic Beverage License for Youngblood Coffee Roasters d/b/a Youngblood Coffee to be located at 623 2nd Avenue North; continued from the 7/26/21 Regular Meeting.
 - b. Application for a Class "A-Club" Alcoholic Beverage License for Touchmark at Harwood Groves, LLC d/b/a Touchmark at Harwood Groves to be located at 1200 Harwood Drive South; continued from the 7/26/21 Regular Meeting.
 - c. Special Assessment of nuisance abatement fees.

- d. Hearing on a dangerous building located at 711 10th Avenue North.
 - e. Growth Plan Amendment on Parts of Section 3, 4, 10, 15 and 16, and all of Section 9, Township 138 North, Range 49 West of the Fifth Principal Meridian; approval recommended by the Planning Commission on 7/6/21.
- 28. COVID-19 Update.
 - 29. Update on Mobile Food Trucks.
 - 30. Update from the Inspections Director on 717 3rd Avenue North (Beebe house).
 - 31. Applications for property tax exemptions for improvements made to buildings:
 - a. Christopher and Maureen Moan, 2613 25th Avenue South (3 year).
 - b. Paul and Elizabeth Bervik, 1510 10th Street South (5 year).
 - c. Dean and Beverly Marsh, 1406 14th Street South (5 year).
 - d. Bonnie Nelson, 29 Fremont Drive South (5 year).
 - 32. Recommendation to approve the Mayor's 2022 Preliminary Budget and set the Public Hearing date for Tuesday, September 7, 2021 at 5:15 p.m.
 - 33. Recommendation for appointment of Inspections Director/Building Official.
 - 34. Recommendation for appointment to the Native American Commission.
 - 35. Review of the Fargo City Commission Code of Conduct.

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.

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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 Application – Youngblood
DATE: July 28, 2021

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

License Class: GH Beer & Wine, food sales must exceed alcohol, no bar
Business Name: Youngblood Coffee Roasters
Location: 623 2nd Ave North
Applicants: Timothy Griffin

Being no significant concerns, the Liquor Control Board voted to approve the issuance of a Class GH alcoholic beverage license to Youngblood Coffee Roasters d/b/a Youngblood Coffee Roasters. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the issuance of a Class GH alcoholic beverage license to Youngblood Coffee Roasters d/b/a Youngblood Coffee Roasters.



Fargo Police Department

To: Chief David Zibolski

From: Sergeant Carlos Nestler *CCN*

Date: June 23, 2021

RE: Liquor License Application (Youngblood Coffee Roasters)

**Application for a Class "GH" Alcoholic Beverage License for
Youngblood Coffee Roasters dba Youngblood Coffee Roasters
to be located at 623 2nd Avenue North, Fargo**

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 reports and public records criminal background.

The following information was discovered through this investigation:

Griffin, Timothy Andrew – Owner/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

Credit History-

Timothy A. Griffin's credit report was reviewed. There are no prior bankruptcies or debts turned over to collections. There was a Child Support account which was 180 days past due in 2015/2016. The account was transferred in 2016. There was no amount listed.

*Received 6/24/21
DC Anderson 404
Ref: Chief Zibolski
+ Approve*





Fargo Police Department

Investigation Notes

This application is for a "GH" alcoholic beverage license (authorizes the licensee to sell beer, wine and sparkling wine "on-sale" only, served at table or booth, no bar. Requires 50% food sales) for Youngblood Coffee Roasters dba Youngblood Coffee Roasters.

I spoke to Tim Griffin by phone on June 23rd. I asked him about being past due on child support payments in 2015/2016. He told me he moved from North Dakota to Fergus Falls, Minnesota in 2015. When he moved, he continued to pay child support to ND. In early 2016, he moved back to North Dakota. Tim stated he learned he had a past due account on his credit report which he believed was from the State of Minnesota. He was never behind on paying child support, but he learned he should have changed his payments to go through the State of Minnesota while he was living in Minnesota.

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

Business Location

Youngblood Coffee Roasters is located at 623 2nd Avenue North in Fargo. Other businesses in the area with an alcoholic beverage license include: VFW, Wasabi/Poke Bowl, Taco Shop, 46 North Pints & Provisions, Twist and The Boiler Room.

Conclusion

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

C. Martha

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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 Application – Touchmark at Harwood Groves

DATE: July 28, 2021

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

License Class: A-Club Club, in existence for 20 years and 200 members
Business Name: Touchmark at Harwood Groves
Location: 1200 Harwood Drive South
Applicants: Marcus Breuer, Werner Nistler, Colleen Nistler, Anne-Marie Fitz (local manager)

Being no significant concerns, the Liquor Control Board voted to approve the issuance of a Class GH alcoholic beverage license to Touchmark at Harwood Groves LLC d/b/a Touchmark at Harwood Groves. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the issuance of a Class A-Club alcoholic beverage license to Touchmark at Harwood Groves LLC d/b/a Touchmark at Harwood Groves.



Fargo Police Department

To: Chief David Zibolski

From: Sergeant Carlos Nestler *Carlos Nestler*

Date: July 1, 2021

RE: Liquor License Application (Touchmark at Harwood Groves)

**Application for a Class "A-Club" Alcoholic Beverage License from
Touchmark at Harwood Groves, LLC dba
Touchmark at Harwood Groves to be located
at 1200 Harwood Drive South, Fargo.**

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 backgrounds.

The following information was discovered through this investigation:

Breuer, Marcus Paul – Owner/CEO

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 Oregon Judicial Department public records (<https://webportal.courts.oregon.gov/>) showed no criminal activity.

Credit History-

Marcus P. Breuer's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.



Fargo Police Department

Nistler, Werner George – Owner/Founder and Chairman

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 Oregon Judicial Department public records (<https://webportal.courts.oregon.gov/>) showed no criminal activity.

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

Nistler, Colleen Theresa – Owner/Vice Chairman

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 Oregon Judicial Department public records (<https://webportal.courts.oregon.gov/>) showed no criminal activity.

Credit History- Colleen T. Nistler's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.



Fargo Police Department

Fitz, Anne-Marie Joy – 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 Class "A-Club" Alcoholic Beverage License (A corporation or association organized for civic, fraternal, social or business purposes with at least 200 members and has been in existence for at least 20 years at the time of the application) for Touchmark at Harwood Groves, LLC dba Touchmark at Harwood Groves to be located at 1200 Harwood Drive South, Fargo.

Touchmark at Harwood Groves, a retirement community, currently has a Class "F" Alcoholic Beverage License.

I spoke to the Executive Director of the Fargo Touchmark, Anne-Marie Fitz. She does not have any ownership of the company. She is currently the manager of alcohol sales and will remain in the same role if the new license is granted. Anne-Marie stated they currently have 219 residents and they are 93% full. According to a letter from Kari Dick, VP, Regional Director of Operations, Touchmark at Harwood Groves was established on July 25, 1996.

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

Touchmark at Harwood Groves is located at 1200 Harwood Drive South, Fargo, ND. Other businesses in the area with an alcoholic beverage license include: Royal Liquors & Woody's Bar, Fargo Cork and the Bowler.

Conclusion

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

Received 7/1/2021
DC Anderson JMT
Ref: Chief Z. Salski
+ approve

P. Mott 086 July 1, 2021



June 14, 2021

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

Dear Members of the Board,

This letter is to formally request an 'A' 'Club' liquor license for Touchmark at Harwood Groves (Touchmark) retirement community.

Touchmark meets the definition of a 'Club' license, as our business has been organized for older adults seeking a place to live with all the amenities that a full-service retirement community has to offer. Touchmark at Harwood Groves was established on July 25, 1996 and has served Fargo's older adults for nearly twenty-five years. Touchmark at Harwood Groves consistently maintains over 200 active adults who call Touchmark home.

Currently, Touchmark holds an 'F' alcoholic beverage license with the City of Fargo, and we are requesting an 'A' 'Club' license. It would be our intention to build a small bar and social space, in our currently licensed area of our building. The proposed physical space would be within an employee-supervised area, where the residents and their bona fide visitors and guests could gather during normal social hours.

As the entire Touchmark campus serves as our residents' home, adding this offering would create a meaningful place to socialize and help minimize senior travel to public bars at night for similar offerings. It would benefit the residents that call Touchmark home.

Thank you so much for considering our retirement community for an 'A' 'Club' license. Should you have any questions or need additional information, please do not hesitate to contact me at: (701) 240-2643 or kari.dick@touchmark.com.

Sincerely,

Kari Dick
VP, Regional Director of Operations

TOUCHMARK AT HARWOOD GROVES
Full-service Retirement Community
1200 Harwood Drive S • Fargo, ND 58104
701-476-1200 • Touchmark.com

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NOTICE OF HEARING
FOR SPECIAL ASSESSMENT OF
NUISANCE ABATEMENT FEES

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for Nuisance Abatement fees, provided in the list below, on Monday, August 9, 2021, at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Address	Parcel	Assessment	Reason
826 10th Street North	01-1140-00290-000	23,500.00	Code Enforcement
1449-1449 1/2 2nd Ave South	01-0980-01040-000	2,598.40	Code Enforcement
427 15th Ave South	01-0120-01070-000	27,918.57	Code Enforcement
114 15th St South	01-0980-01050-000	18,051.41	Code Enforcement
703 12th St North	01-1120-00660-000	18,100.00	Code Enforcement
1714 5th Ave South	01-0040-00040-000	570.00	Code Enforcement
1343 2nd Ave South	01-0700-00900-000	2,357.83	Code Enforcement
1426 4th Ave North	01-2340-01210-000	1,005.00	Code Enforcement
1125 29th St North	01-0480-00770-000	902.50	Code Enforcement
2101 52nd St South	01-6050-00233-000	562.50	Code Enforcement
1322 3rd Ave North	01-2340-01710-000	165.00	Code Enforcement
201 23rd St South	01-0740-00890-000	900.00	Code Enforcement
1033 5th St North	01-1160-02360-000	585.00	Code Enforcement
1648 8th Ave South	01-0560-01370-000	714.50	Code Enforcement
711 10th Ave North	01-0440-02770-000	1,660.00	Code Enforcement
1021 10th St North	01-0440-02550-000	1,157.97	Code Enforcement
1441 10th Ave South	01-0020-00090-000	2,500.00	Dutch Elm Removal
923 6th St South	01-2400-02910-000	2,400.00	Dutch Elm Removal
725 Oak Street	01-1760-00800-000	1,600.00	Dutch Elm Removal
1110 College Street	01-1640-01680-000	750.00	Dutch Elm Removal
1433 12th Ave South	01-0020-01190-000	225.00	Dutch Elm Removal
1329 10th St North	01-2220-02290-000	1,650.00	Dutch Elm Removal
1545 4th Ave South	01-0340-00190-000	1,162.50	Dutch Elm Removal
2313 5th Ave South	01-0740-02590-000	375.00	Dutch Elm Removal
1414 10th Ave South	01-0020-00280-000	450.00	Dutch Elm Removal
713 1st St North	01-1760-00590-000	675.00	Dutch Elm Removal
909 27th St North	01-0480-02800-000	1,800.00	Dutch Elm Removal
825 7th Ave North	01-1120-00010-000	1,500.00	Dutch Elm Removal
714 12th St North	01-1120-00960-000	325.00	Dutch Elm Removal
1605/1607 15th Ave South	01-2040-02200-000	4,500.00	Dutch Elm Removal
111 7th Ave North	01-1760-00380-000	1,850.00	Dutch Elm Removal
1737 4th St North	01-2100-01740-000	675.00	Dutch Elm Removal
90 18th Ave North	01-1890-00670-000	1,325.00	Dutch Elm Removal
1130 10th St North	01-0440-01260-000	5,000.00	Dutch Elm Removal
1328 7th Ave South	01-0540-00190-000	2,600.00	Dutch Elm Removal
1802 16th St South	01-0162-02120-000	3,000.00	Dutch Elm Removal

1438 7th Ave South	01-0540-00790-000	5,000.00	Dutch Elm Removal
1530 N Broadway	01-0380-00070-000	190.00	Mowing
1341 3rd Ave North	01-2340-01530-000	840.00	Mowing
1414 3rd Ave North	01-2340-01880-000	240.00	Mowing
1437 University Dr N	01-2220-04380-000	395.00	Mowing
917 10th Ave N	01-0440-02610-000	290.00	Mowing
1714 5th Ave S	01-0040-00040-000	370.00	Mowing
6202 59th Ave South	01-8449-05920-000	650.00	Mowing
2262 58th Ave South	01-6210-01080-000	470.00	Mowing
1442 8th Ave South	01-0540-01005-000	570.00	Mowing
1005 17th St North	01-0100-01180-000	165.00	Mowing
730 19th St North	01-0100-02240-000	115.00	Mowing
726 19th St North	01-0100-02250-000	165.00	Mowing
722 19th St North	01-0100-02260-000	165.00	Mowing
1220 11th Ave North	01-0440-01860-000	140.00	Mowing
1458 10th St North	01-2220-03850-000	165.00	Mowing
7271 Eagle Pointe Dr S	01-8530-00220-000	190.00	Mowing
1555 72nd Ave South	01-8530-00090-000	140.00	Mowing
1330 14th St South	01-2040-00390-000	165.00	Mowing
4709 48th Ave South	01-8030-01310-000	215.00	Mowing
1022 7th Ave South	01-2400-00600-000	190.00	Mowing
1414 8th St South	01-1400-02010-000	140.00	Mowing
2282 59th Ave South	01-6350-00810-000	620.00	Mowing
702 18th St South	01-1270-00590-000	115.00	Mowing
916 12th Ave North	01-0440-00870-000	165.00	Mowing
313 21st St South	01-0740-01740-000	240.00	Mowing
1013-1015 10th Ave South	01-2400-02470-000	240.00	Mowing
1416 7th Ave South	01-0540-00730-000	215.00	Mowing
6664 21st St South	01-8510-00340-000	165.00	Mowing
2065 67th Ave South	01-8510-00360-000	165.00	Mowing
2089 67th Ave South	01-8510-00350-000	165.00	Mowing
335 9th Ave South	01-4100-00340-000	290.00	Mowing
1020 7th Ave North	01-2382-03340-000	240.00	Mowing
906 3rd St North	01-0580-00040-000	190.00	Mowing
111 6th Ave North	01-1540-03180-000	140.00	Mowing
1426 4th Ave North	01-2340-01210-000	290.00	Mowing
1869 67th Ave South	01-8510-00630-000	165.00	Mowing
6617 Crofton Lane S	01-8510-00530-000	165.00	Mowing
6631 Crofton Lane S	01-8510-00510-000	165.00	Mowing
6647 Crofton Lane S	01-8510-00500-000	165.00	Mowing
6670 Crofton Lane S	01-8510-00600-000	165.00	Mowing
6682 Crofton Lane S	01-8510-00610-000	165.00	Mowing
6689 Crofton Lane S	01-8510-00481-000	165.00	Mowing
6690 Crofton Lane S	01-8510-00620-000	165.00	Mowing

6716 Crofton Lane S	01-8510-00770-000	165.00	Mowing
1845 67th Ave South	01-8635-00140-000	165.00	Mowing
1937 67th Ave South	01-8510-00460-000	165.00	Mowing
1953 67th Ave South	01-8510-00450-000	165.00	Mowing
1965 67th Ave South	01-8510-00440-000	165.00	Mowing
2037 67th Ave South	01-8510-00380-000	165.00	Mowing
5651 36th Ave South	01-8609-00401-000	1,551.68	Snow Removal
1528 8th Ave South	01-0560-01170-000	75.00	Snow Removal
1514 4th St North	01-1280-00450-000	75.00	Snow Removal
1108 18th St North	01-0100-00430-000	75.00	Snow Removal
2100 25th St South	01-1450-00452-000	273.33	Snow Removal
1021 10th St North	01-0440-02550-000	75.00	Snow Removal
32 Birch Lane South	01-2330-00440-000	540.00	Snow Removal
2628 Atlantic Dr South	01-0067-00304-000	130.00	Snow Removal
905 Main Ave	01-9200-01790-000	535.00	Snow Removal
1019 10th St North	01-0440-02560-000	75.00	Snow Removal
2114 26 1/2 Ave South	01-0505-00870-000	120.00	Snow Removal
2262 58th Ave South	01-6210-01080-000	75.00	Snow Removal
2262 58th Ave South	01-6210-01080-000	147.92	Snow Removal
703 Oak St North	01-1760-00850-000	75.00	Snow Removal
1414 3rd Ave North	01-2340-01880-000	75.00	Snow Removal
4709 48th Ave South	01-8030-01310-000	75.00	Snow Removal
2108 58th Ave South	01-6210-01180-000	160.00	Snow Removal
1220 11th Ave North	01-0440-01860-000	75.00	Snow Removal
1135 11th St North	01-0440-01180-000	75.00	Snow Removal
1510 13th Ave South	01-2040-01010-000	85.00	Snow Removal
7489 17th St South	01-8632-00380-000	135.00	Snow Removal
2505 64th Ave South	01-5970-00010-000	262.50	Snow Removal
1510 3rd Ave North	01-2340-02010-000	75.00	Snow Removal
2102 17th St South	01-2211-00890-000	345.00	Snow Removal
402 24th St South	01-0740-02130-000	75.00	Snow Removal
5595 Justice Dr South	01-8573-00520-000	75.00	Snow Removal
4228 15th Ave South	01-3802-00451-000	75.00	Snow Removal
1489 71st Ave South	01-8478-00340-000	95.00	Snow Removal
1475 71st Ave South	01-8478-00330-000	90.00	Snow Removal
1109 University Dr South	01-0020-00950-000	75.00	Snow Removal
1648 8th Ave South	01-0560-01370-000	150.00	Snow Removal
910 28st St North	01-0480-02620-000	75.00	Snow Removal

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to August 9, 2021, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear

before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.

City Auditor's Office
(July 28 & August 4, 2021 - Legals)

INSTRUCTIONS TO THE FORUM

Please publish on Monday, July 28 & August 4, 2021 – Legals.

I will need an affidavit of publication.

Bill to: CITY AUDITOR'S OFFICE
 ATTN MICHELLE
 P.O. BOX 2471
 FARGO ND 58108

If you have any questions, please call 241-1301.
Steve Sprague



Inspections Office

Fargo City Hall
225 Fourth Street North
Fargo, ND 58102
Phone: 701.241.1561
Fax: 701.476.6779
www.FargoND.gov

27d

Memorandum

DATE: August 5, 2021
TO: Mayor Mahoney and Board of City Commissioners
FROM: Bruce Taralson, Inspections Director
SUBJECT: Dangerous Building Notice and Order at 711 10 Avenue N, Fargo, ND 58102

The property owner of 711 10 Avenue N, Fargo, ND, has failed to comply with my order to obtain a permit to repair or demolish the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-0405, a hearing date is scheduled for August 9, 2021.

The recommendation is to **designate this building to be a dangerous building, direct the City Attorney to prepare findings of fact in this matter, and order its removal on October 1, 2021. Please direct the appropriate staff to secure the removal of this building at that time.**



DANGEROUS BUILDING ORDER TO COMMISSION- Detail and Timeline Regarding 711 10 Ave N., Fargo, ND.

A Dangerous Building hearing is required under Article 21-0405 for the purpose of allowing any interested parties the opportunity to comment, and to allow the Owner of the property the opportunity to appear and show cause why the City of Fargo should not cause the removal of this building. The hearing is scheduled for Monday, August 9, 2021 at 5:15PM.

The Inspections Department has taken this action due to multiple neighborhood complaints prompting inspections. This building meets 5 of the 10 criteria which only one might be required. Our report on ordinance requirements-

1. Inspections Department received complaint on property.
2. Inspections Department inspected the property.
3. Inspections placed notice on the building.
4. Inspections provided notice to Owner giving 20 days.
5. Inspections report to City Commission today.

In your packets, you will find the Dangerous Building Notice. Article 21-0404 requires the Inspections Department give notice to the Owner of the property prior to any action by the City Commission or staff. Our timeline shows the building was placarded as a Dangerous Building on May 4, 2021. The Dangerous Building notice provided a 20-day deadline to obtain a permit to either repair or demolish the structure.

Included in this packet is a timeline of events, photographs and necessary documents.

PROPERTY INFORMATION- Building is currently vacant and is uninhabitable. The building was constructed in 1904.

Description: Two-story, wood-framed structure.

Description of damage: On April 30, 2021, Inspector, Lynne Olson, was present at 711 10 Avenue N., Fargo, ND for a complaint inspection. The following violations were found:

- Fire damaged entire lower level.
- Water has been shut off since 2/10/2021.
- Signs of squatters in main and accessory structures.
- Multiple boarded up windows.
- Appears squatters entered building in NE corner. Boards removed.
- Accumulation of junk furniture and other misc. items on property.
- Drug paraphernalia on property, including needles.
- Graffiti on outbuilding.
- Signs of rodent infestation.

Timeline for events:

6/26/2001: Vehicle Removal Notice.

6/29/2007: Multiple Property Maintenance Code Violations – referred to City Attorney.

7/7/2008: Junk Removal Notice

8/5/2008: Junk Removal Notice – Non-compliant – referred to City Attorney.

2/9/2021: Fire in lower level – Smoke damage to upper level. Property evacuated.

4/30/2021: Inspections Department received complaint of squatters.

5/3/2021: As per City of Fargo Water Department, last use was 2/10/2021.

5/4/2021: Placarded building; posted and mailed Dangerous Building Notice.

5/10/2021: Police cleared structure; structure was boarded up.

5/13/2021: Re-secured garage.

5/18/2021: Complaint of squatters upstairs. Boards removed to enter. Police cleared structure. Re-secured openings. Boarded up new openings made by squatters.

5/21/2021: Signs of squatters in rear yard.

6/28/2021: Police cleared structure. Re-secured.

7/7/2021: Upstairs window broken. Signs of squatters in trees.

7/12/2021: Sump pump on rear steps. Garage window broken. Boards illegally removed.

7/16/2021: Contractor re-boarded opening to house and garage window.

7/19/2021: Property is secure. Squatter activity in trees.

7/22/2021: Requested Dangerous Building Hearing to be scheduled for August 9, 2021.

7/22/2021: Assessor's office determined deterioration to exceed 50% of value of dwelling.

7/27/2021: Notice of Hearing posted on building and mailed to Owner via registered mail.

7/29/2021: Stop work order – non-licensed contractor trying to move garage.

8/4/2021: Re-secured garage.

8/5/2021: As per Xcel Energy, main unit still has services. Units 2-7 have been without services since May of 2021.

8/9/2021: Dangerous Building Hearing.

8/24/2021: Anticipated issuance of *Findings of Fact* document.

9/2/2021: Deadline to appeal to District Court.

10/1/2021: Deadline for City of Fargo to proceed with action on City Commission's recommendation to demolish.

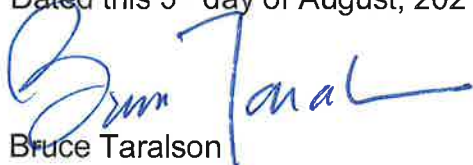
Please note, this timeline does not include a total calculation of overall staff time spent on this property.

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

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

Respectfully submitted,

Dated this 5th day of August, 2021.



Bruce Taralson
Inspections Director

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



Notice of Dangerous Building Hearing – Order to Show Cause

Date: July 27, 2021

Location: 711 10 Avenue N., Fargo, ND

Property Owner: Uptown Lofts LLC

Address of Property Owner: 3560 6 Street E., West Fargo, ND 58078-5429

Inspector: Lynne Olson

Date of Posting: June 27, 2021

Ordinance 21-0405 of the Fargo Municipal Code states:

The board of city commissioners shall:

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

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

A hearing regarding the dangerous building located at 711 10 Avenue N., Fargo, ND has been scheduled for Monday, August 9, 2021 at 5:15PM. The hearing will take place in the City Commission Chambers, located at 225 4th Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend.

Dated on this 27th day of July, 2021.

A handwritten signature in cursive script, appearing to read "Bruce Taralson".

Bruce Taralson
Inspections Administrator

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

[illegible]

Re: Notice of Dangerous Building – Ordre to Show Cause Hearing
711 10 Avenue N, Fargo, ND


CM Receipt#: 9214 8901 9403 5700 93

Kristi Stoffel, being first duly sworn and being of legal age, deposes and says that on the 27th day of July, 2021, she served the attached notice, upon Uptown Lofts LLC, by placing true and correct copies thereof in an envelope addressed as follows:

Uptown Lofts LLC
3560 6 Street E.
West Fargo, ND 58078-5429

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

prepaid, in the United States mail at Fargo, North Dakota,



Kristi Stoffel

Subscribed and sworn to before me this 27th day of July, 2021.

MICHELLE R. VANYO
Notary Public
State of North Dakota
My Commission Expires Oct. 26, 2021

(SEAL)

Michelle R Vanzo
Notary Public
Cass County, North Dakota

Fargo Inspections

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



NOTICE OF DANGEROUS BUILDING

TO: UPTOWN LOFTS LLC
3560 6TH ST E
WEST FARGO, ND 58078-5429

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.
2. That the building with which this Notice is concerned is commonly known as 711 10 Ave N, and is located on that tract of land in the city of Fargo, more particularly described as follows: CHAPINS-AUDITORS SUB LOT A BLK 16

AUDITOR'S SUBD
(hereinafter referred to as "the building")

3. That an inspection was made of the building on APRIL 30TH, 2021 by Lynne Olson, Building Inspector, of the City of Fargo.
4. That the building inspector for the City of Fargo has found the building, consisting of a two-story, wood-framed structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and the International Property Maintenance Code, Section 108.1.5 concerning Dangerous Structures and the International Building Code section 116 Unsafe Structures and Equipment.
5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

6. That the owner of the building must demolish the building within 20 (twenty) days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.

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

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

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

10. Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 108.2 of the International Property Maintenance Code, 2018 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 4th day of May, 2021.

11. Order to secure building. The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance by Monday, May 10th, 2021. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property. Deadline to secure the building by May 10th, 2021.

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

Dated this 4th day of May, 2021.


Conditions Found Statement

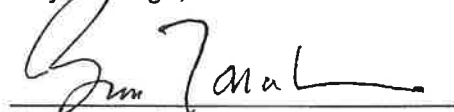
On April 30th, 2021 Building Inspector Lynne Olson, was present at 711 10 Ave N, Fargo, ND to address a complaint investigation for squatters in the building. The following violations were found:

- Fire damaged entire lower level of building
- Water has been shut off on 2/10/2021
- Signs of squatters in main and accessory structures
- Multiple boarded up windows
- Appears squatters entering building in NE corner. Boards removed.
- Accumulation of junk furniture and other misc. items on property
- Drug paraphernalia on property, including needles
- Graffiti on outbuilding
- Signs of rodent infestation

The following action must be taken:

- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.


Lynne Olson
Building Inspector
City of Fargo, ND


Bruce Taralson
Inspections Director


Date Signed

AFFIDAVIT OF SERVICE

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

Re: Posting of Dangerous Building Notice – 711 10 Avenue N., Fargo, ND 58102

Lynne Olson, being first duly sworn and being of legal age, deposes and says that on the 4th day of May 2021, she posted the attached notice upon the building located at the following address:


711 10 Avenue N.
Fargo, ND 58102


Lynne Olson

Subscribed and sworn to before me this 4th day of May, 2021.



(SEAL)


Notary Public
Cass County, North Dakota

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

[illegible]

Re: Notice of Dangerous Building – 711 10 Avenue N., Fargo, ND
CM Receipt#: 9214 8901 9403 8339 1481 16

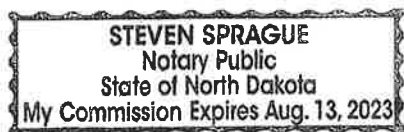
Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 4th day of May, 2021, she served the attached notice, upon Uptown Lofts LLC, by placing true and correct copies thereof in an envelope addressed as follows:

Uptown Lofts LLC
3560 6 Street E
West Fargo, ND 58078-5429


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


Gretchen Morlan

Subscribed and sworn to before me this 4th day of May, 2021.



(SEAL)



Notary Public
Cass County, North Dakota



Mailer: City of Fargo

Date Produced: 05/10/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8339 1481 16. Our records indicate that this item was delivered on 05/06/2021 at 02:50 p.m. in WEST FARGO, ND 58078. The scanned image of the recipient information is provided below.

Signature of Recipient :

RS MH
CV 10 L

Address of Recipient :

**3560 6TH ST E WEST FARGO,
ND 58078**

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

UPTOWN LOFTS LLC
3560 6TH ST E
WEST FARGO ND 58078-5429

Customer Reference Number: C2673952.15412584



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

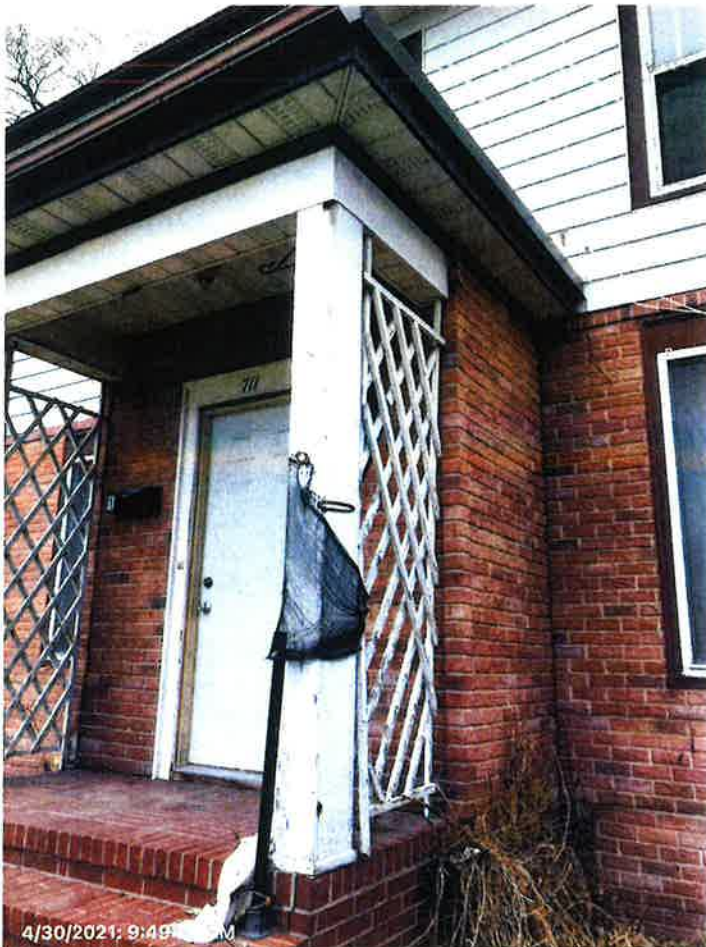
MEMORANDUM:

DATE: 07/22/2021
TO: Bruce Taralson, Inspections Administrator
FROM: James Haley, Deputy Assessor
SUBJECT: 711 10 Ave N

On July 22nd 2021, I viewed the exterior, and interior photos, of 711 10 Ave N dated 05/10/2021.

I calculated the cost to cure the damage indicated by the photos, and stated requirements of the City of Fargo Inspection Department. My calculations indicate that the cost to cure the deterioration of the subject building exceeds 50% of the most recent certified True & Full Improvement Value of the dwelling.

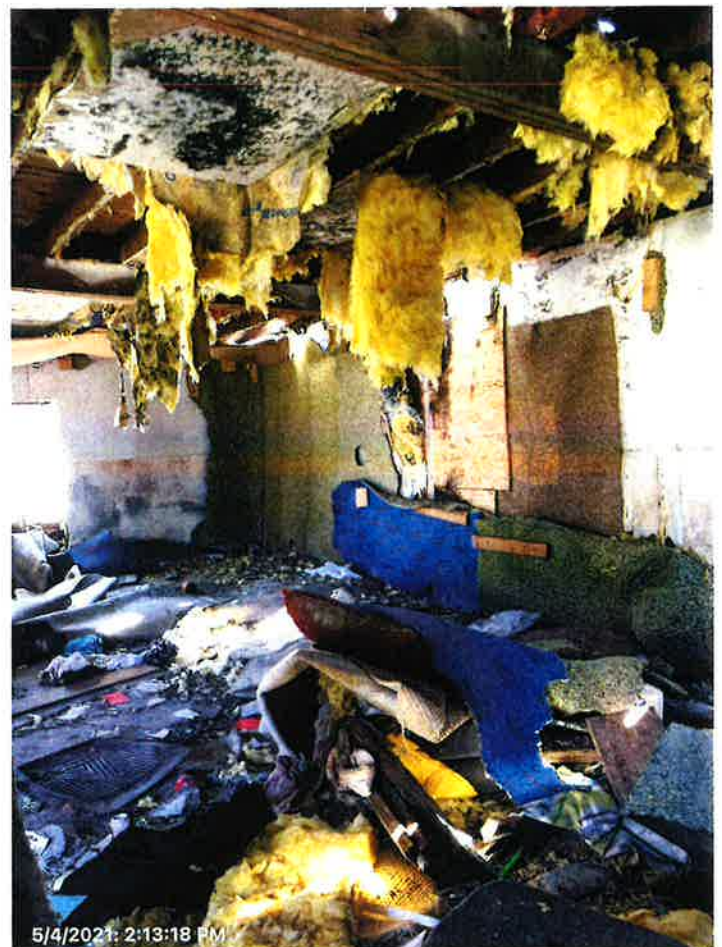














711 10 Avenue N., Fargo, ND 5/4/2021

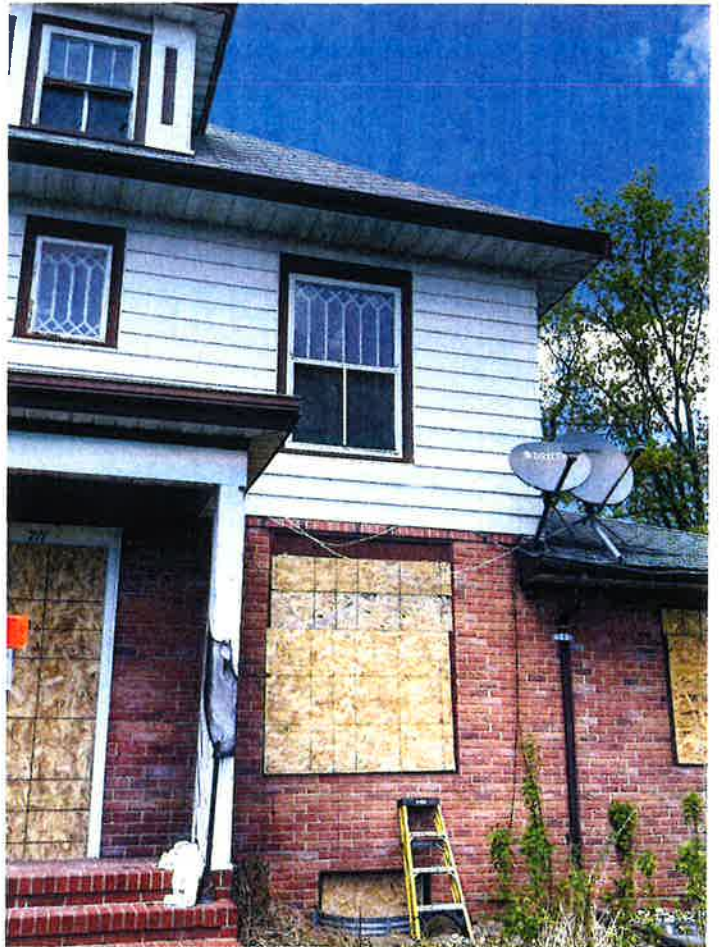


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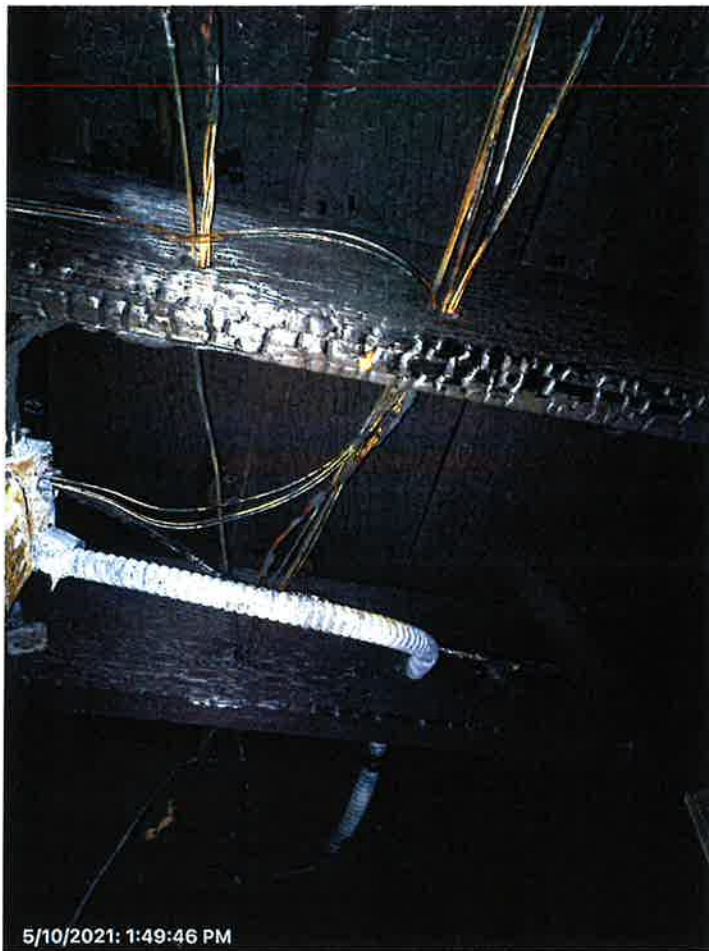


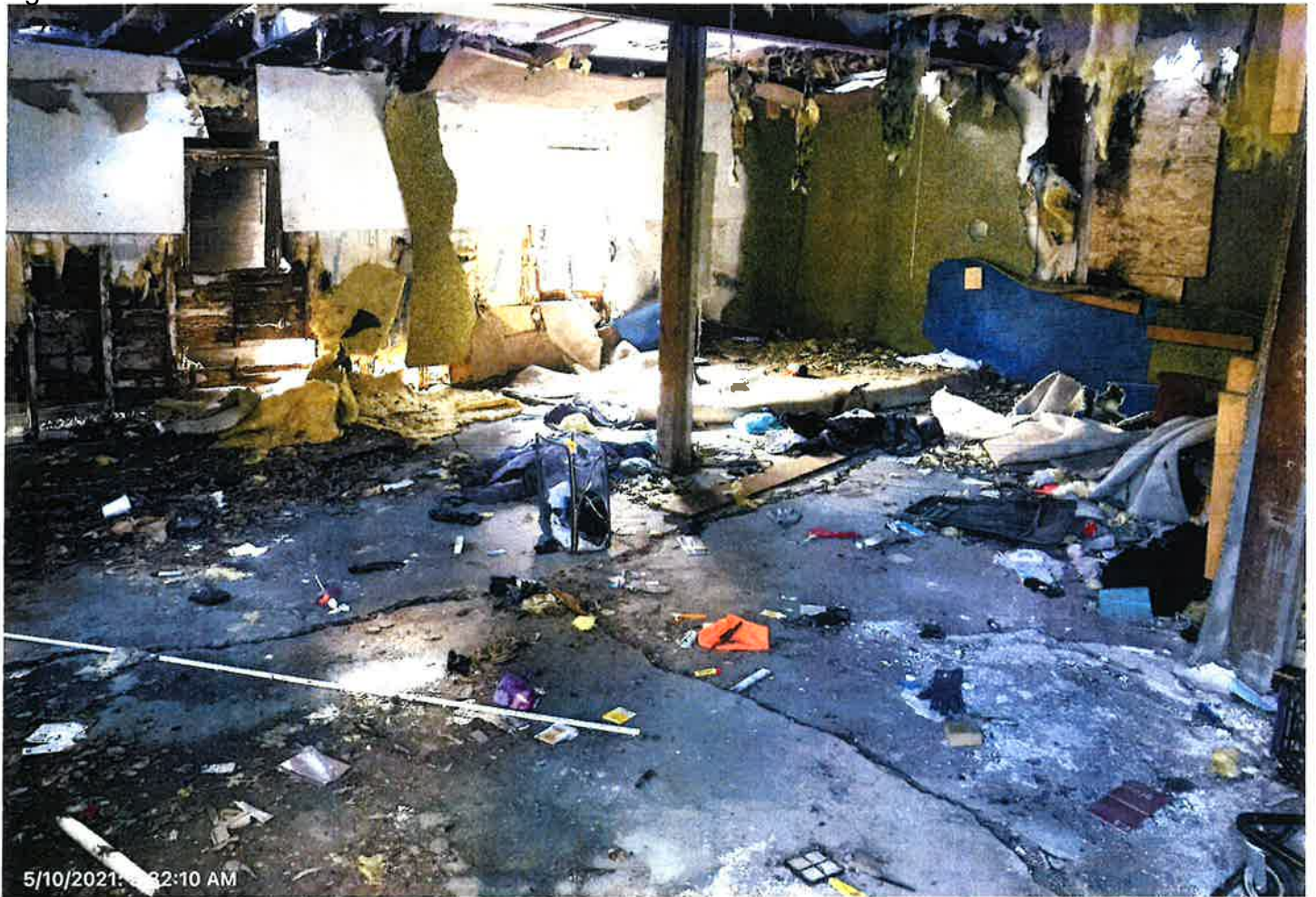
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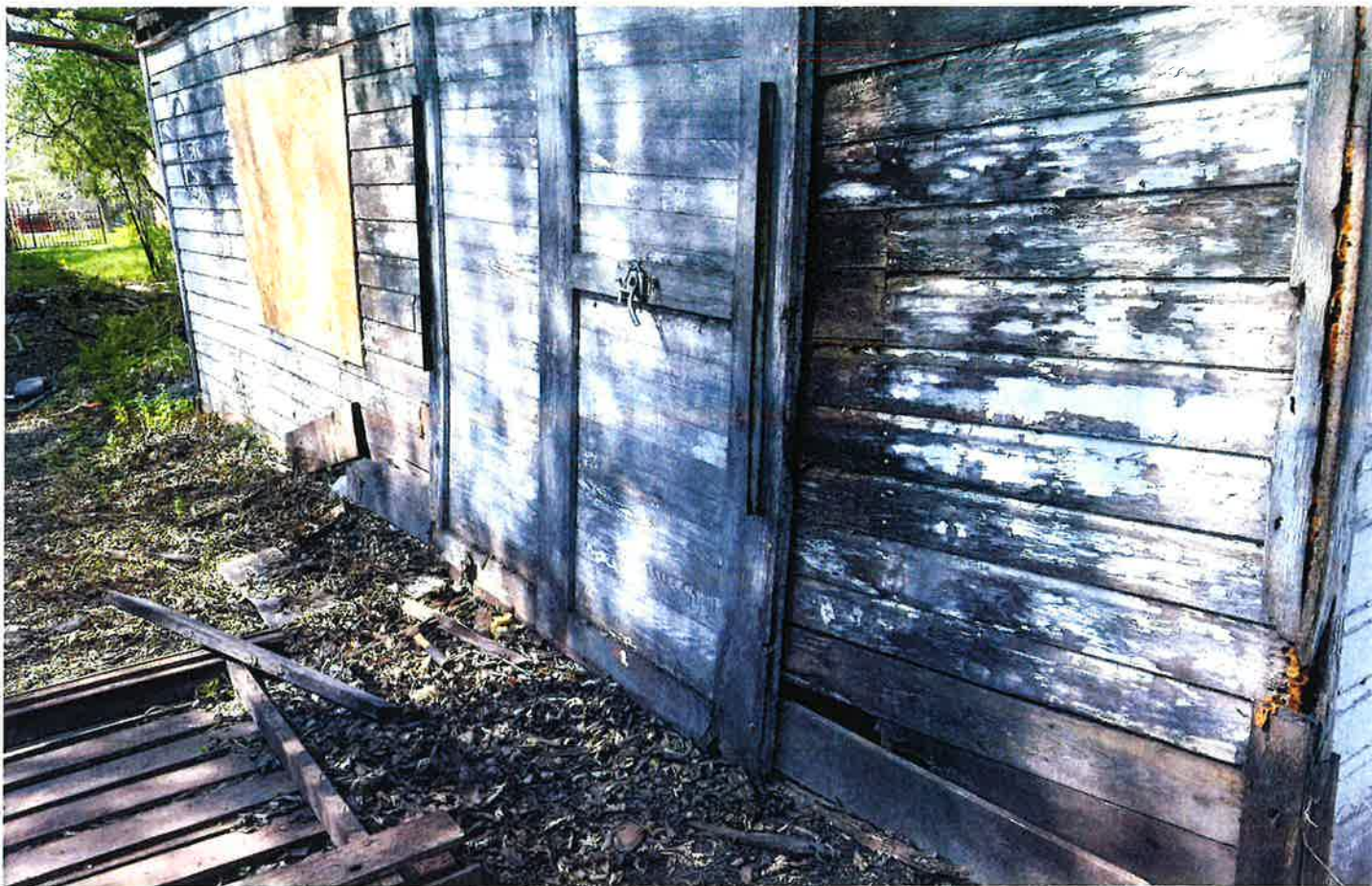
711 10 Avenue N., Fargo, ND 5/10/2021

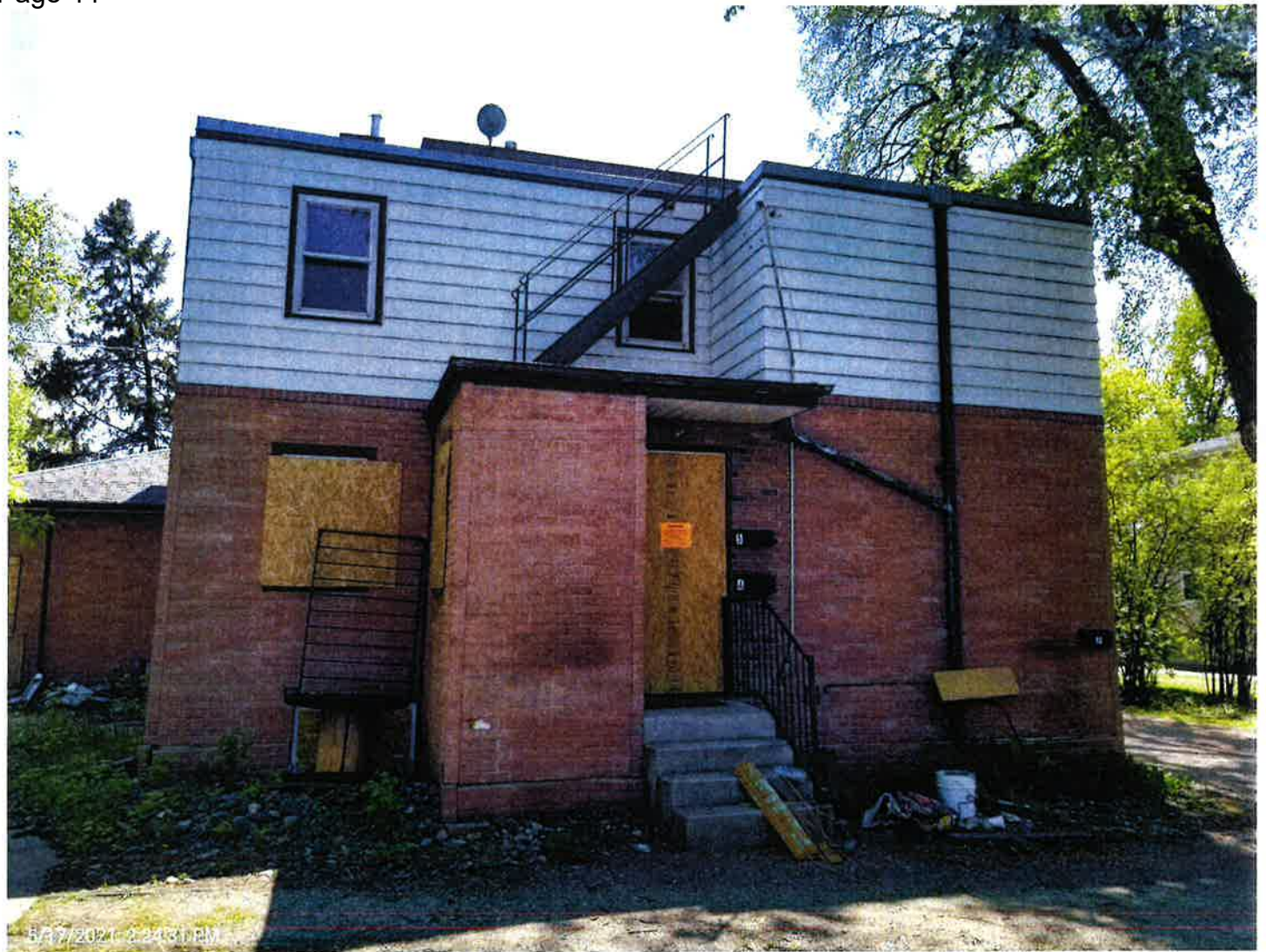












711 10 Avenue N., Fargo, ND 5/12 to 5-17-2021







27e

City of Fargo Staff Report			
Title:	Growth Plan Amendment	Date: Update:	6/29/21 8/5/21
Location:	Generally located South of 52nd Avenue South, West of Interstate 29, East of Veterans Boulevard, and North of 88th Avenue South	Staff Contact:	Aaron Nelson
Legal Description:	Parts of Section 3, 4, 10, 15, and 16, and all of Section 9, Township 138 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	City of Fargo	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Growth Plan Amendment		
Status:	City Commission Public Hearing: August 9, 2021		

Proposal:

The City of Fargo is currently in the process of developing a regional stormwater master plan for the City's growth area located south of 52nd Ave S and west of Interstate 29. Part of this work included an analysis and update to future land use assumptions within the study area. Staff has worked in partnership with Houston Engineering to update land use assumptions that were originally established 14 years ago, as part of the City's 2007 Growth Plan. These updates to the future land use map are intended to account for more-recent policy decisions and changing conditions, such as the adoption of the Go2030 Comprehensive Plan, a regional approach to stormwater management, the FM Diversion, planned school & park facilities, as well as planned & proposed transportation infrastructure, among other things.

Staff believes that these updated land uses illustrate a more-accurate vision of the growth principles embodied within the Go2030 Comprehensive Plan, and are a better reflection of the contextual realities of today. As such, staff is proposing this growth plan amendment in order to adopt this updated future land use map as the official growth plan for the subject property.

The proposed future land use map is included as an attachment, along with descriptions and example images of the future land use typologies included in the map. Also attached is a map illustrating the proposed regional stormwater pond and related infrastructure, for reference.

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Area Plans:

The existing growth plan and future land use map for the subject property was established with the 2007 Fargo Growth Plan. The existing future land use map is attached. The subject property is also included within the study area for MetroCOG's Southwest Metro Transportation Plan, which was adopted in 2016.

Staff Analysis:**Growth Plan Amendment Open House Meeting:**

Pursuant to Land Development Code Section 20-0905.E, a public open house is required for a proposed growth plan amendment. Staff held two open house meetings for the proposed amendment. The first meeting was held on June 8, 2021 for the owners and representatives of property within the boundaries of the amendment area (subject property). The second meeting was held on June 22, 2021 for owners and representatives of property within and adjacent to the boundaries of the subject property. Comments received relating to the proposed future land uses have been incorporated into the proposed future land use map. In addition to a few comments relating to land use, staff also received feedback relating to corridor/street design for 64th Ave S.

Growth Plan Amendment

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

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

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

Adjacent land uses are primarily agricultural today, along with the I-29 interstate to the east. Developed areas to the north of the subject property contain primarily residential and commercial land uses. So too are adjacent future land uses as illustrated within the 2007 growth plan, which are also a mix of commercial and residential. Existing and proposed land uses are consistent and compatible with the proposed changes in land use. **(Criteria Satisfied)**

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

There are no proposed changes to the alignment of future arterial corridors, which run along section lines. There are some slight adjustments to the collector street system, primarily in relation to the future regional stormwater retention pond, which precludes feasible street connections across the pond area. In any case, it should be noted that growth plans such as these are conceptual in nature and are not definitive in terms of specific street alignment. Additionally, other adopted transportation plans and studies, such as the Southwest Metro Transportation Plan, provide much more detail as to the connectivity of the transportation system in this area, and its relation to the regional transportation network. **(Criteria Satisfied)**

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

As noted in the Proposal section of this report, the proposed updates to the future land use map are intended to account for more-recent policy decisions and changing conditions, such as the adoption of the Go2030 Comprehensive Plan, a regional approach to stormwater management, the FM Diversion, planned school & park facilities, as well as planned & proposed transportation infrastructure, among other things.

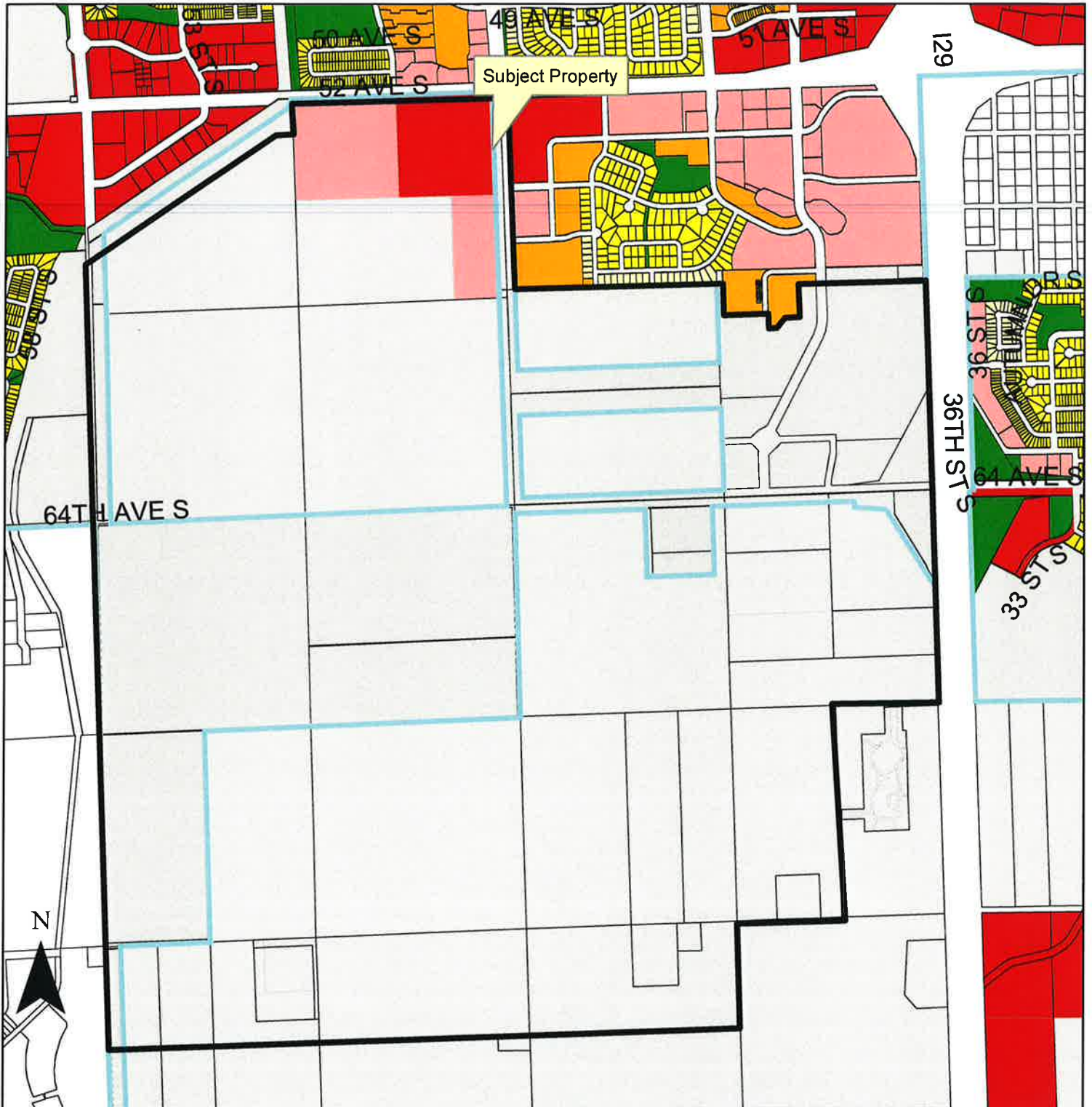
There are many Guiding Principles and Key Initiatives of the Go2030 Comprehensive Plan which this amendment seeks to work towards, including:

- *Parks, Open Space, and Habitat* – The “Open/Recreation Related Space” land use classification on the future land use map illustrates areas associated with the regional stormwater system, including detention/retention areas and stormwater conveyance channels. This planned stormwater system creates a tremendous opportunity for complimentary parks, open spaces, recreation, and trails. It is intended that an inter-connected system of shared-use paths be installed along stormwater channels and the neighborhood schools and parks be sited in close proximity to these amenities, providing a connected system of public amenities. Additionally, the open channel system and ponds will provide opportunities for natural habitat within urbanized areas.
- *Green Stormwater Infrastructure* – Go2030 recommends to use natural storm water management and flood control techniques instead of traditional underground grey techniques (pipe into the river) wherever possible and appropriate, and to Integrate green stormwater projects into open space, streetscape, and neighborhoods in a way that improves appearance and functionality.
- *City-Wide Trail Loop* – Trails located along stormwater channels are a key element of a city-wide trail system, since they provide a prime opportunity for off-street trails with limited street crossings. Off-street trails are desirable for recreational users, especial those such as beginner/novice bike riders.
- *Neighborhoods, Infill, and New Development* – Chapter 10 of the Go2030 Comprehensive Plan calls for Fargo to promote attractive and welcoming neighborhoods with a diverse and affordable housing stock, where residents can age in place, where children can walk to school, and where essential services are only a short walk away. Additionally, this chapter discusses the benefits of building denser patterns of development and integrating walkable mixed-use development.

<p>The City's regional detention pond and regional approach to stormwater management is the primary catalyst to the proposed growth plan amendment, as the stormwater infrastructure presents perhaps the largest physical change planned within the subject property. This regional approach to stormwater removes the requirement for individual on-site stormwater detention and reduces overall stormwater infrastructure costs to property owners and to the City.</p> <p>With the establishment of the FM Diversion alignment, there is an increased recognition of the finite nature of the City's future growth area, compared to when the current growth plan was adopted in 2007. As such, the proposed growth plan amendment seeks to accommodate increased density within the subject property. The land use definitions on the proposed future land use map and the typology examples that are attached, speak to a denser pattern of development than was originally contemplated with the 2007 Growth Plan, but which are embodied within the more-recent Go2030 Comprehensive Plan. The brightest example of this is the "Town Center" future land use classification that is intended to be a walkable mixed-use center, which is a catalyst for implementing the goals of Go2030.</p> <p>Lastly, staff has worked with partner agencies, including the Fargo Park District and both the Fargo and West Fargo School districts. The Fargo Park District is currently in the process of fundraising and developing a regional sports complex along the west side of I-29, north of 64th Ave S. The Park District is a primary partner in relation to the regional stormwater system, with the large public pond providing a unique opportunity for park programming and amenities, such as fishing and kayaking. Additionally, the Park District hopes to see future development take advantage of future trail networks along stormwater drains by connecting neighborhood parks to these trail systems.</p> <p>The Fargo and West Fargo school districts will be monitoring development in this area for their respective facilities plans (45th Street S is the boundary between the two school districts within this area). Neither school district currently owns property for a future school or has imminent plans for constructing (a) new school site(s) within the subject property; however, public schools will be needed within this area to serve future residents. While potential future school sites are not illustrated on the proposed future land use map, the need for schools is noted in text on the map document. It is also worth mentioning that in 2020 the City of Fargo adopted an updated Safe Routes to School Plan, which includes recommendations for siting new schools.</p> <p>Overall, staff finds that the proposed growth plan amendment is a positive improvement over the current growth plan for the subject property, as the proposal accounts for more-recent policy decisions and new conditions since the adoption of the 2007 Growth Plan and land use map for this area. (Criteria Satisfied)</p>
Staff Recommendation:
<p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and to hereby approve the proposed growth plan amendment as presented, as the proposal is consistent with the 2007 Growth Plan and Go2030 Comprehensive Plan, and complies with the standards of Section 20-0905.H of the LDC, and all other applicable requirements of the LDC."</p>
Planning Commission Recommendation: July 6, 2021
<p>On July 6, 2021, with a vote of 7-0 with 0 commissioners absent, the Planning Commission recommended approval to the City Commission of the proposed growth plan amendment as presented, as the proposal is consistent with the 2007 Growth Plan and Go2030 Comprehensive Plan, and complies with the standards of Section 20-0905.H of the LDC, and all other applicable requirements of the LDC.</p>
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Existing Future Land Use Map 4. Proposed Future Land Use Map 5. Land Use Typology Descriptions & Examples 6. Draft Regional Stormwater Infrastructure layout

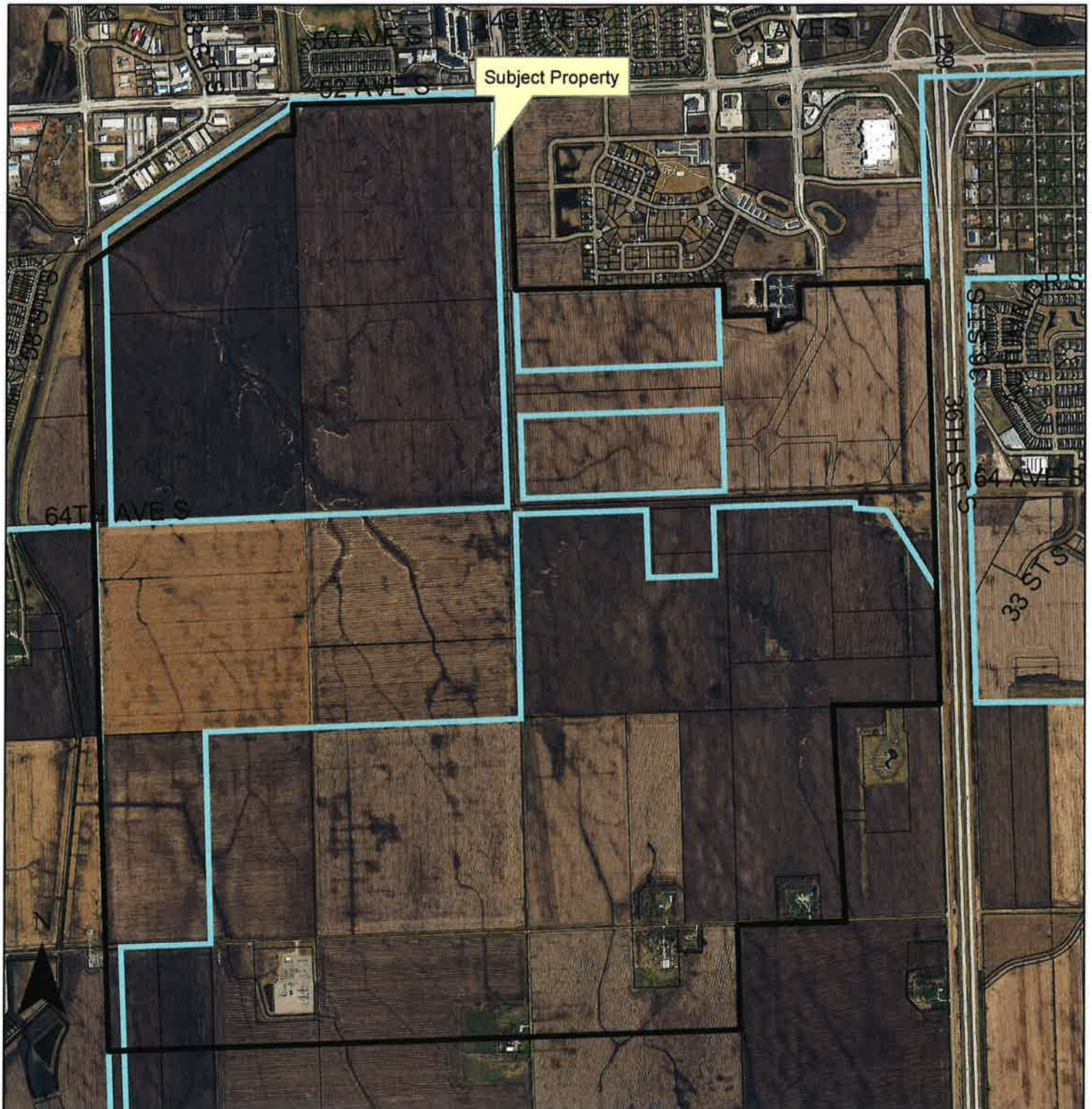
Growth Plan Amendment

Growth Plan Amendment

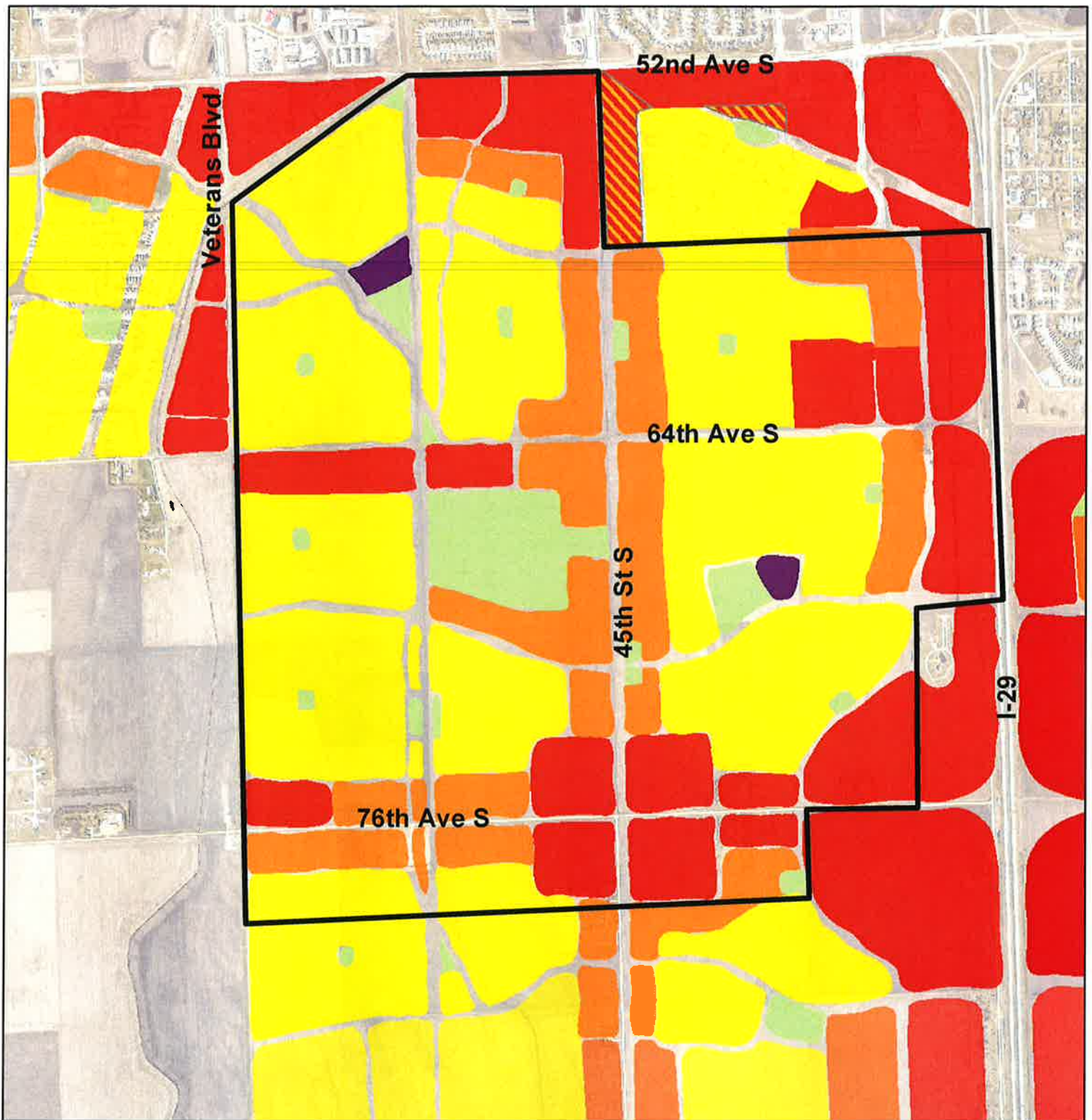


Growth Plan Amendment

Growth Plan Amendment



Existing Future Land Use Map



- | | | |
|--|--|--|
|  Commercial Area |  Residential Area - lower to medium density |  Future School |
|  Medium High Density or Commercial |  Residential Area - medium to high density |  Proposed Park |
| |  Residential Area - rural | |



LOW DENSITY RESIDENTIAL (SR-2, SR-3, SR-4, SR-5)

Low density single and attached single family housing having an individual exterior for each unit. Should access pedestrian and bicycle trails while enjoying the recreational assets of the neighborhood.



Arbor Lakes Development

HIGH DENSITY RESIDENTIAL (MR-2, MR-3)

Multi-dwelling housing characterized by one- to five-story buildings with greater coverage than low-medium residential. Should access pedestrian and bicycle trails while enjoying the recreational assets of the neighborhood. Generally appropriate with access to collectors and higher classification streets, particularly when located near arterial streets.



MEDIUM DENSITY RESIDENTIAL (SR-4, SR-5, MR-1)

Rowhouses and multi-dwelling housing styles characterized by one and two-story buildings with relatively low to moderate building coverage. Should access pedestrian and bicycle trails while enjoying the recreational assets of the neighborhood. Generally appropriate for sites with access to collector and higher classification streets.



NEIGHBORHOOD MIXED USE

Mixture of residential, office and/or commercial uses meant to address the needs of the surrounding neighborhood. These uses will act as a buffer for lower density residential uses from more intensive commercial offerings. Buildings in this zone should be 2-4 stories and should access pedestrian and bicycle trails while enjoying the recreational assets of the neighborhood.

TOWN CENTER

High intensity mixed-use style development incorporating different types of commercial/office. Uses on the first and second floors with residential above in a 4+ story building style. Main Street principles and the Fargo Go 2030 plan components will be evident. The town center will provide for the retail and service needs of the neighborhood and be comfortable for pedestrian and bicycle access. Transit facilities, amenities and cultural and recreational opportunities along with food offerings will make this area attractive as a neighborhood destination.



St. Louis Park, MN



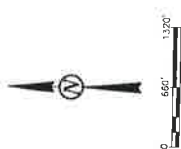
COMMERCIAL

Accommodates a full range of retail, service, office and commercial uses, such as (though not all inclusive): office setting generally focusing on business, government, professional, medical, or financial services; and retail and service such as hotel, entertainment, grocery, general retail to provide services and repair for the consumer and business goods.

COMMERCIAL/RESIDENTIAL OVERLAY

ACCOMMODATES COMMERCIAL RESIDENTIAL AND/OR MIXED LAND USES. AS THIS AREA DEVELOPS SPECIAL ATTENTION WILL BE NEEDED TO ENSURE APPROPRIATE TRANSITIONS OCCUR BETWEEN LAND USES.







3/104

July 20, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2613 25 Ave S as submitted by Christopher & Maureen Moan. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$155 with the City of Fargo's share being \$25.

Sincerely,

A handwritten signature in cursive script that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**

North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner Christopher & Maureen Moan Phone No. 701.446.7387

2. Address of Property 2613 25 Ave S

City FARGO State ND Zip Code 58103

3. Legal description of the property for which the exemption is being claimed. Lt 11 Blk 1
Westlake 2nd

4. Parcel Number 01-4006-00110-000 Residential ☒ Commercial ☐ Central Business District ☐

5. Mailing Address of Property Owner same

City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Exterior metal siding

7. Building Permit No. N/A 8. Year Built 1987

9. Date of Commencement of making the improvement _____

10. Estimated market value of property before improvement \$ _____

11. Cost of making the improvement (all labor, material and overhead) \$ 23,900

12. Estimated market value of property after improvement \$ _____

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature Christopher & Maureen Moan Date 7-16-2021

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s): _____

Assessor's Signature Willa J. Gendreau Date 7-28-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied ☐ Approved ☐

Approval subject to the following conditions: _____

Chairman of Governing Body _____ Date _____

Submit Via Email



316

July 21, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1510 10 St S as submitted by Paul & Elizabeth Bervik. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$115 with the City of Fargo's share being \$20.

Sincerely,

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

Mike Splonskowski
City Assessor

bsb
attachment

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

Property Identification

1. Name of Property Owner	<u>Paul & Elizabeth Bervik</u>	761/ Phone No. <u>330-7696</u>
2. Address of Property	<u>1510 10th St. S.</u>	
City	<u>FARGO</u>	State <u>ND</u> Zip Code <u>58103</u>
3. Legal description of the property for which the exemption is being claimed.	<u>Lot 24 Block 19 Huntingtons</u>	
4. Parcel Number	<u>01-1400-03460-000</u>	Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	<u>Same</u>	
City	State	Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	<u>Remove & Replace Siding (Cedar Shakes)</u>
7. Building Permit No.	<u>21040592</u>
8. Year Built	<u>1946</u>
9. Date of Commencement of making the improvement	<u>4/21/21</u>
10. Estimated market value of property before improvement	\$ <u>199,800</u>
11. Cost of making the improvement (all labor, material and overhead)	\$ <u>6,000.00</u>
12. Estimated market value of property after improvement	\$ <u>208,400</u>

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
X Applicant's Signature	<u>Paul Bervik</u> X Date <u>7/15/21</u>

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):
Assessor's Signature <u>Mike J. Jorgensen</u> Date <u>7-28-2021</u>

Action of Governing Body

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



July 23, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1406 14 St S as submitted by Dean & Beverly Marsh. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$305 with the City of Fargo's share being \$50.

Sincerely,

A handwritten signature in cursive script that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

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

Property Identification

1. Name of Property Owner Dean & Beverly Marsh Phone No. 701.238-5925

2. Address of Property 1406 14 St S

City FARGO State ND Zip Code 58104

3. Legal description of the property for which the exemption is being claimed. Lt 25 Blk 13
Morton & Dotys

4. Parcel Number 01-2040-03330-000 Residential ☒ Commercial ☐ Central Business District ☐

5. Mailing Address of Property Owner same

City _____ State _____ Zip Code _____

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Kitchen remodel/flooring update

7. Building Permit No. N/A 8. Year Built 1967

9. Date of Commencement of making the improvement March 11, 2021

10. Estimated market value of property before improvement \$ 204,200 (2021)

11. Cost of making the improvement (all labor, material and overhead) \$ 23,200

12. Estimated market value of property after improvement \$ 227,400

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature Beverly Marsh Date 7-23-2021

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s):

Assessor's Signature Mike Johnson Date 7-28-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied ☐ Approved ☐

Approval subject to the following conditions: _____

Chairman of Governing Body _____ Date _____

Submit Via Email



3/d

July 29, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 29 Fremont Dr S as submitted by Bonnie Nelson. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$370 with the City of Fargo's share being \$60.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner PORTER, DELORES M & NELSON, BONNIE L Phone No. 952 846 8017
701-436-6194
2. Address of Property 29 FREMONT DR S
City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed. BLOCK 11
LOT 1 BLUEMONT LAKES 5TH
4. Parcel Number 01-0174-02320-000 Residential ☒ Commercial ☐ Central Business District ☐
5. Mailing Address of Property Owner ATTN: FRANK 1005 160 AVE SE
City GRANDIN Edina State ND Zip Code 58038 55424

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). EXTERIOR SIDING
7. Building Permit No. _____ 8. Year Built 1981
9. Date of Commencement of making the improvement JUNE 2021
10. Estimated market value of property before improvement \$ 240,000
11. Cost of making the improvement (all labor, material and overhead) \$ 28,000
12. Estimated market value of property after improvement \$ _____

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature Bonnie Nelson

Date 7-20-2021

Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s): _____

Assessor's Signature [Signature]

Date 8-2-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied ☐ Approved ☐
Approval subject to the following conditions: _____


Chairman of Governing Body _____

Date _____

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: AUGUST 9, 2021

RE: 2022 PRELIMINARY BUDGET APPROVAL

I presented the 2022 Preliminary Budget recommendations on July 26, 2021 and draft copies of the entire budget document were distributed on August 2, 2021.

The next step in the budget approval process is to discuss and approve the Preliminary Budget and schedule a Public Hearing as is required by North Dakota State budget law. The Cass County Auditor's Office is required by law to send a consolidated notice to taxpayers notifying them of the dates, times and locations for all taxing entities public hearings.

The City of Fargo's budget hearing is tentatively scheduled for Tuesday, September 7, 2021. The final budget adoptions are due no later than October 7, 2021.

Suggested Motion: To approve the 2022 Preliminary Budget and schedule the Public Hearing for the final budget for Tuesday, September 7, 2021 at 5:15 p.m.

City of Fargo
2022 Preliminary Budget Summary by Fund and Tax Levy

	2021 Approved Budget	2022 Preliminary Budget
General Fund:		
Current Expenditures	\$ 93,654,863	\$ 100,383,256
Capital Outlay	346,060	349,210
Transfers To Other Funds	3,440,077	3,451,534
Total General Fund Expenditures	\$ 97,441,000	\$ 104,184,000
Special Revenue Funds:		
City Share of Special Assessments	\$ 799,000	\$ 679,000
Noxious Weeds	46,750	46,750
Convention Bureau	1,265,400	1,881,984
Regional Law Enforcement Training Center	100,000	100,000
Court Forfeits	100,000	100,000
SWAT Team	-	127,247
Skyway Maintenance	204,000	166,000
Downtown Business Improvement District	500,000	535,000
Neighborhood Revitalization Initiatives (NRI)	8,650	8,650
Community Development Block Grants	819,752	858,594
HOME	-	1,300,000
HOME Projects	497,690	623,419
Parking Authority Operations	2,670,073	7,777,721
Parking Repair and Replacement	33,721	95,000
American Rescue Plan	-	11,439,000
Newman Outdoor Stadium	206,000	368,500
Total Special Revenue Fund Expenditures	\$ 7,251,036	\$ 26,106,865
Total Debt Service Fund Expenditures	\$ 85,478,225	\$ 118,119,077
Enterprise Funds:		
Water	\$ 26,377,505	\$ 26,992,056
Solid Waste	16,671,475	17,305,622
Water Reclamation	16,000,635	16,870,255
Transit	12,906,572	13,754,094
FargoDome	6,968,711	7,311,496
Street Lighting	3,703,291	3,976,228
Forestry	2,590,573	2,581,504
Storm Sewer	2,383,812	3,022,581
Vector Control	711,971	1,465,171
Southeast Cass Sewer	55,684	81,084
Civic Center	458,078	464,854
Airport Authority	20,447,057	-
Total Enterprise Fund Expenses	\$ 109,275,364	\$ 93,824,945
Pension Trust Funds:		
City Employee Pension	\$ 3,913,500	\$ 4,098,000
Police Pension	4,510,500	4,660,500
Total Pension Trust Funds	\$ 8,424,000	\$ 8,758,500
Grand Total - All Funds	\$ 307,869,625	\$ 350,993,387
Preliminary Tax Levy Allocated To:		
General Fund	49.80	49.80
City Share of Special Improvements	1.10	1.10
Weed Control	0.10	0.10
Airport Construction	2.00	2.00
Preliminary Tax Levy	53.00	53.00



August 5, 2021

MEMORANDUM

To: Board of City Commissioners
From: Bruce P. Grubb, City Administrator **BPG**
Re: Recommendation for Appointment of Inspections Director/Building Official

Introduction:

The City of Fargo recently advertised and received applications for the position of Inspections Director/Building Official. A total of thirteen applications were received in response to the advertisement. A selection committee was formed to review the applications and conduct initial interviews with the preferred candidates. The selection committee was comprised of the following:

Dave Piepkorn	City Commissioner (Liaison)
Brenda Derrig	City Engineer
Nicole Crutchfield	Director of Planning and Development
Dr. Terry Hogan	Director of Diversity, Equity and Inclusion
Michael Redlinger	Assistant City Administrator
Bruce Grubb	City Administrator
Jill Minette	Human Resources (Facilitator)
Beth Wiegman	Human Resources (Facilitator)

The applications were reviewed and ranked independently by each committee member. Based on the individual rankings, six candidates were given an initial interview by the selection committee.

Initial Interviews:

The initial interviews were conducted on July 21 and 22, 2021. The interviews were ranked independently by each committee member. During the interviews, the preferred candidates were asked to make a formal presentation based on a dangerous building case scenario, followed by a formal interview including technical and behavioral questions. The interview questions were related to the following subject areas:

<i>Experience</i>	<i>Vision</i>	<i>Community Engagement</i>
<i>Technical</i>	<i>Leadership</i>	<i>Problem Solving</i>
<i>Accountability</i>	<i>Situational</i>	<i>Vision/Leadership</i>

Second Interviews:

Based upon the results of the initial interviews, two candidates were chosen for a second interview. Similarly, the second interviews were ranked independently by selection committee members. Based on the results of the second interview, the committee recommends the appointment of Shawn Ouradnik to the position of Inspections Director/Building Official.

Your consideration in this matter is greatly appreciated.

SUGGESTED MOTION:

Appoint Shawn Ouradnik to the position of Inspections Director/Building Official.

C: Brenda Derrig, City Engineer
Nicole Crutchfield, Director of Planning and Development
Dr. Terry Hogan, Director of Diversity, Equity and Inclusion
Michael Redlinger, Assistant City Engineer
Jill Minette, Human Resources Director
Beth Wiegman, Human Resources Manager

**MEMORANDUM****TO: BOARD OF CITY COMMISSIONERS****FROM: MAYOR TIMOTHY J. MAHONEY****DATE: AUGUST 9, 2021****SUBJECT: APPOINTMENT TO THE NATIVE AMERICAN COMMISSION**

Anna Johnson, who served on the Native American Commission, has resigned her position. Her term would have expired on June 30, 2022.

I am recommending the appointment of Ashley Littlewolf to fill the vacancy created by the resignation of Ms. Johnson. Ms. Littlewolf's appointment to the Board will expire on June 30, 2022. Ms. Littlewolf's web application is attached for your reference.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the appointment of Ashley Littlewolf to fill the unexpired term of Anna Johnson on the Native American Commission for a term ending June 30, 2022.

Kember Anderson

From: no reply
Sent: Wednesday, January 27, 2021 11:48 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government
Attachments: RESUME 2.pdf

Name: [Ashley Littlewolf]
Mailing Address: [1848 39th St S #209]
City: [Fargo]
State: [North Dakota]
Zip: [58103]

Work Phone: [(701)232-2452]
Home Phone: [(701)566-3815]
E-mail: [ashleyl@sendcaa.org]

Which boards or commissions would you like to be considered for? [Native American Commission]

Briefly state why you would like to be on this panel: [I am an enrolled member of the Bois Forte in Minnesota. I have been living and working in the FM community since 2013. I fully understand the complex and diverse issues that our indigenous population faces everyday especially in our area. I would like to be a part of the discussions and ongoing work to better our community.]

How many hours per month could you volunteer as a panel member? [I am available as often as needed, although I do work full-time for a local non-profit.]

Please list any past experience you have with city government here or in other cities: [I have no past experience working with city government. But as part of my professional history, I have served on a number of committees.]

Please describe any professional experience you have related to the responsibilities of the panel you are interested in: [I have been working for a local non-profit for the last 3 years, serving low-income individuals with a variety of programs as a case manager. In my role as a case manager, I am to be fully aware of resources that would be helpful to the clients that I serve. Before this, I was employed through Fargo Public Schools Indian Education program where I served as a mentor to at-risk students.]

We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.

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Fargo City Commission Code of Conduct

The Commission commits itself and its members to an ethical businesslike and lawful conduct including proper use of authority and appropriate decorum when acting as a Commission member. We are looking out for the best interests of the City of Fargo.

Accordingly,

1. The Commission members will represent the interests of the citizens of the entire City of Fargo and this accountability will supersede:
 - a.) Any conflicting loyalty that a member may have to other advocacy or interest groups.
 - b.) Loyalty based upon membership to other boards or staffs.
 - c.) Conflicts based on personal relations with different employers or boards.
2. The Commission member who is a liaison to a department is responsible to work with the department head on budgets and issues in their department.
3. The commissioners show respect to the department liaison commissioner when asking for information or ideas in the different departments. The liaison commissioner should try to accommodate the request or meeting.
4. If there is a disagreement between a commissioner and a department liaison commissioner, they can appeal to the mayor to resolve the issue. If a disagreement would happen to be with the Mayor, then the Deputy Mayor would resolve the issue.
5. Commission members will maintain confidentiality appropriate to sensitive issues and information that they are appraised of. They should review the open meeting laws and note that information that is discussed in Executive Session is confidential.
6. Members are encouraged not to express individual negative comments about city staff or employees in a public meeting. They would be expected to discuss such issues with the City Administrator and try to resolve such issues prior to any public discussion.
7. Dialogue at Commission meetings should be respectful and courteous. We should attempt to discuss the idea and its merits. Once a vote is taken, the commission should try to move on.
8. Although commissioners can have individual disagreements with the commission's decision, we shall try to act as a team. It is important to have a positive attitude.
9. If there is a conflict of interest on a vote of the commission, the commissioner is expected to announce that conflict and not vote on the issue. If there is a question of conflict the commissioner can request a ruling from the commission.
10. When interacting with the legislative body a commissioner must make it clear whether they are representing the City of Fargo or for a personal purpose.