

**FARGO CITY COMMISSION AGENDA**  
Monday, January 11, 2021 - 5:00 p.m.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, December 28, 2020).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. 2nd reading and final adoption of the following Ordinances; 1st reading, 12/28/20:
  - a. Rezoning Certain Parcels of Land Lying in Darling's First Addition.
  - b. Rezoning Certain Parcels of Land Lying in Keeney and Devitt's Second Addition, Oak Grove Addition and Lindsay's Addition.
- 2. Application for Games of Chance for K of C Council 11930 for a raffle and calendar raffle from 5/1/21 to 5/31/21.
- 3. Notice of Grant Award from the ND Department of Health for targeted testing for TB infection identification and treatment (#CFDA 93.116).
- 4. Notice of Grant Award from the ND Department of Health for funding to help Fargo Cass Public Health mitigate the spread of COVID-19 (CFDA #21.019).
- 5. Application by the Fargo Public Library to the Fargo Park District Foundation for a matching grant for the Community Education Garden project.
- 6. Second Amendment to Lease Agreement with BOAS Northport LLC for the Northport Library Branch (RSA16165 SSP21026).
- 7. Funding transfer for remaining housing assistance from Red River Task Force COVID-19 funds.
- 8. Subrecipient Agreement Between the City of Fargo and Afro American Development Association (on behalf of ESHARA Partners) to provide funding of \$143,000.00 for COVID-19 response efforts through 4/30/21.
- 9. Subrecipient Agreement Between the City of Fargo and New Life Center to provide funding of \$35,500.00 for equipment and staffing to enhance capacity at its original shelter through 4/30/21.
- 10. Solid Waste Management Agreement for Private Haulers in the City of Fargo with Dirt Dynamics.
- 11. Northwest Metro Transportation Plan (Project No. MS-19-F0).

12. Bid Advertisement for Red River Pump Station Improvements (Project No. WA2005).
13. Sole Source Procurement with Trillium Pumps USA, Inc. for Project No. WA2005 (SSP21020).
14. Sole Source Procurement with Core & Main for Project No. WA2005 (SSP21019).
15. Contracts and bonds for Project No. WA2012.
16. Bills.
17. Purchase Agreement with the Park District of the City of the Fargo for Improvement District No. BN-21-H1.
18. Create Improvement District No. FP-19-A.
19. Contract and bond for Improvement District No. BN-21-A.

#### **REGULAR AGENDA:**

**20. 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](http://FargoND.gov/VirtualCommission)).

**21. \*Public Input Opportunity\* - PUBLIC HEARINGS - 5:15 pm:**

- a. Hearing on a dangerous building located at 717 3rd Avenue North; continued from the 7/13/20 Regular Meeting.
  - b. Hearing on a dangerous building located at 1418 1st Avenue North.
  - c. Hearing on a dangerous building located at 1021 10th Street North; continued from the 12/28/20 Regular Meeting.
  - d. Plat of Huynh Kha Addition a plat of an unplatted portion of the Northeast Quarter of Section 12, Township 139 North, Range 49 West (1425 Main Avenue); approval recommended by the Planning Commission on 12/1/20.
  - e. Arcadia Park View Addition (18 and 20 8th Avenue North); approval recommended by the Planning Commission on 12/1/20:
    1. Zoning Change from SR-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential.
    2. 1st reading of rezoning Ordinance.
    3. Plat of Arcadia Park View Addition.
  - f. Renaissance Zone Project for Craig Enclave OG, LLC for a new construction project at 6 and 10 6th Avenue North; 505 and 509 Oak Street North.
- 22. Resolution of Annexation** for property south of current Fargo city limits, west of I-29, along and east of 45th Street South and along and south of 64th Avenue South to support future sports complex, educational, commercial and residential development, street and drainage right of way and set the date for the Hearing on the sufficiency of protests for the 2/22/21 City Commission meeting.


23. Applications for Abatement or Refund of Taxes:
  - a. #4490 for Buena Vista Mobile Home Park at 4301 El Toro Boulevard South for the 2018 Tax Year.
  - b. #4491 for MHC Meadow Park, LLC at 3340 12th Avenue North for the 2018 Tax Year.
  - c. #4492 for MHC Meadow Park, LLC at 3220 12th Avenue North for the 2018 Tax Year.
  - d. #4493 for MHC Meadow Park, LLC at 3216 12th Avenue North for the 2018 Tax Year.
  - e. #4494 for the Fargo Doublewood Inn, LP at 3333 13th Avenue South for the 2018 Tax Year.
  - f. #4495 and #4496 for the Plains Art Museum Properties at 704 and 720 1st Avenue North for the 2018 Tax Year and that the classification for 2018 be changed to charitable.
24. Downtown Water Tower Improvements (Project WA1910):
  - a. Reject all bids for Contracts 1-4 due to costs exceeding engineer's estimate and authorize a value engineering effort and a rebidding of Project WA1910 to construct a new 2.5 million gallon Composite Elevated Storage Tank.
  - b. Review of Bid Alternate No. 1 for Water Tower Art Work.
25. COVID-19 update:
  - a. Fargo Cass Public Health update.
  - b. Mask mandate extension.
26. Applications for property tax exemptions for improvements made to buildings:
  - a. Edward and Susan Ankrum, 3307 West Prairiewood Drive South (3 year).
  - b. Dustin and Bridget Knudson, 2306 Victoria Rose Drive South (3 year).
  - c. Susan Quandt, 3414 21st Street South (3 year).
  - d. Bradley Jorgensen, 1529 10th Street South (5 year).
  - e. Robert and Tammy Brooks, 1505 5th Street South (5 year).
  - f. Emily and Timothy Wilcox, 1632 Flickertail Circle South (5 year).
  - g. Jason Jacobson, 718 11th Avenue North (5 year).
27. Commissioner Gehrig would like to discuss an amendment to the City's existing snowmobile Ordinance.
28. Legislative update.

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

Minutes are available on the City of Fargo website at [www.FargoND.gov/citycommission](http://www.FargoND.gov/citycommission).

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**Memorandum**

DATE: January 7, 2021  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Bruce Taralson, Inspections Director   
SUBJECT: Dangerous Building located at 717 3 Avenue N., Fargo, ND

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(21a)

The property owner of 717 3 Avenue N., Fargo, ND, the property that is subject of the enclosed *Findings of Fact and Order* Notice, has failed to repair the structure to the requirements of building permits 2008-0402-REN and 2010-0055-REN (enclosed).

**The Findings of Fact and Order, Item 13, states the following:**

The Board of City Commissioners amended the original motion, thereby allowing the property owner to obtain another 180-day permit, which would commence on July 13, 2020 and expire on January 9, 2021.

The recommendation is to **make a motion determining this to be a dangerous building as per the *Findings of Fact and Order*, and direct staff to take action and secure the removal of this building.**





## **Commission Meeting UPDATE – Dangerous Building located at 717 3 AVE N., Fargo, ND**

The hearing scheduled for January 11, 2021, is for the purpose of allowing any interested parties the opportunity to comment, and to request that the commissioners approve the removal of the dangerous building located at 717 3 AVE N., Fargo, ND. The following is a list of events which have not been completed as required by the *Findings of Fact and Order* and the building permits obtained to complete the project.

Permit 2008-0402-REN was issued to Kilbourne Group on August 13, 2020. Permit 2010-0055-REN was issued to Kilbourne Group on October 14, 2020. On November 12, 2020, Kilbourne Group contacted the Inspections Department to request that their name be removed from the permits. It was explained that the existing permits could be voided and that all work would have to stop until a licensed contractor or the Owner could formally request the permits. Inspections did not receive verification that Kilbourne Group would like the permits voided, nor did a licensed contractor or the Owner request the permits to be re-issued. The permits expired on January 9, 2021 and were voided today, January 11, 2021.

### **Uncompleted work as required by the building permits:**

- Basement structural bracing.
- Rotten floor joists.
- West upper column repair.
- Siding.
- Insulation.
- Mechanical, Plumbing, and Electrical brought up to code.
- Intended use has not been made known.
- Inspections are not complete on either permit.

### **Violations:**

- Junk in yard - Bricks, lumber piles several locations, piles of books, tarped areas, pickup truck filled with junk, railroad ties, misc. junk.
- Holes in exterior to interior.
- Infestation – Pigeons in building and roosting on perches.
- Vehicle parked on grass in rear yard.
- Unpermitted temporary storage box on property.

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

Property Address: 717 3<sup>rd</sup> Avenue North, Fargo, North Dakota

Owner: Ronald L. Ramsay

A hearing was held before the Board of City Commissioners of the City of Fargo on the 13<sup>th</sup> day of July, 2020 regarding property located at 717 3<sup>rd</sup> Avenue North, Fargo, North Dakota. Bruce Taralson, Building Official, appeared on behalf of the city of Fargo Inspections Department and provided testimony as to the condition of the property. Heather McCord, Project Manager for the Kilbourne Group, appeared and provided testimony. Kay Schwarzwalter, an owner of several nearby properties, additionally appeared and provided testimony.

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

**FINDINGS OF FACT**

1. That Ronald L. Ramsay is the owner of the following described property located in the city of Fargo, County of Cass and State of North Dakota:

Lot E, Block 10, Roberts Second Addition to the city of Fargo

The street address for which is: 717 3<sup>rd</sup> Avenue North, Fargo, North Dakota, 58102.

2. That the subject property is vacant.

3. That on May 9, 2019, Bill Thompson, Building and Rental Housing Inspector to the city of Fargo, inspected the property and found the building, consisting of a single-story, wood-framed structure to be a dangerous building within the standards set forth in Article 21-04 of the Fargo Municipal Code and Section 108.1.5 of the International Property Maintenance Code concerning dangerous structures. Additionally, Bill Thompson observed and reported that numerous

code violations exist and the deterioration of the property is extensive.

4. That on July 8, 2020, James Haley, Deputy Assessor of the city of Fargo, performed an inspection on the property and determined that the estimated cost to repair the property would exceed fifty percent (50%) of the building value as established by the Fargo Assessment Department.

5. That the building is unsafe and is a dangerous building in the following respects: (a) multiple windows and doors are boarded up; (b) pillar on porch has fallen over; (c) foundation has loose/missing blocks; (d) there are signs of infestation; and (e) the exterior of the house is deteriorated and has peeling paint.

6. Further, the City Commission finds that the following conditions exist with respect to the subject property:

- a. The structure has been damaged or deteriorated for more than fifty percent (50%) of its original value;
- b. The building is unsafe, fails to provide the amenities essential to decent living, and is unfit for human habitation; and
- c. The building it is unsafe or dangerous to the health, moral safety or general welfare of the people of the City of Fargo.

7. That the information in the files of the Inspection Department and the City Assessor's Office stemming from various inspections of the property on or before July 8, 2020, with respect to the subject property is hereby accepted as true and correct.

8. That the building located at 717 3<sup>rd</sup> Avenue North, Fargo, North Dakota 58102, is hereby found to be a "dangerous building."

9. Notice of Dangerous Building was posted on the property on May 14, 2019, in accordance with Municipal Code § 21-0404. The Notice of Dangerous Building informed the owners and all occupants, if any, that the "dangerous building" must be vacated and the building demolished within 30 days from the date of the notice.

10. The owners were properly served by certified mail with the Notice of Dangerous Building, dated May 14, 2019.

11. That on July 2, 2019, a remodel/repair permit was issued to the property owner.

Despite being issued said permit, the property owner failed to commence work authorized by the permit within 180 days after its issuance, thereby voiding said permit. An Expired Permit Notice was mailed to the property owner on December 24, 2019.

12. That on July 8, 2020, the Inspections Department received an email from Heather McCord, the Project Manager at the Kilbourne Group, regarding the subject property. Kilbourne stated its intent to assist the property owner in repairing and restoring the structure in order to bring it into a legal, code-compliant structure. During the July 13, 2020 Dangerous Building Hearing, Heather McCord appeared on behalf the property owner re-stating the same and requesting another permit allowing the work to resume and be completed within 180 days of the July 13, 2020 hearing.

13. The Board of City Commissioners amended the original motion, thereby allowing the property owner to obtain another 180-day permit, which would commence on July 13, 2020 and expire on January 9, 2021.

14. That if said repairs are not completed by January 9, 2021, the Inspections Department is authorized to commence demolition of the subject property.

15. Any cost of demolition shall be assessed against the subject property in accordance with Fargo Municipal Code §21-0405(E).

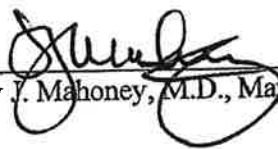
**ORDER**

Based on the foregoing Findings of Fact, it is hereby ORDERED that Ronald L. Ramsay or anyone else claiming an ownership interest shall have until January 9, 2021 to repair the "dangerous building" located at 717 3<sup>rd</sup> Avenue North, Fargo, North Dakota.

It is further ordered that if the owner fails to repair said "dangerous building" by January 9, 2021, the City Auditor, Building Inspector and City Attorney are directed to act on behalf of the city of Fargo to cause the "dangerous building" to be demolished, and the cost of said demolition to be assessed against the subject property as provided in Section 21-0405 of the Fargo Municipal Code.

DATED this 27 day of July, 2020.

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

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

ATTEST:

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

**NOTICE OF ENTRY OF ORDER**

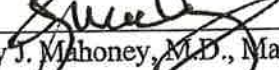
TO: RONALD L. RAMSAY AND ALL OTHER PERSONS HAVING AN INTEREST IN  
THIS PROPERTY

RE: PROPERTY AT 717 3<sup>RD</sup> AVENUE NORTH, FARGO, NORTH DAKOTA 58102

YOU ARE HEREBY GIVEN NOTICE that you shall have 30 days from the date of service of Findings of Fact and Order of the Board of City Commissioners of the City of Fargo ("Order") upon you in which to appeal the Order to the District Court of Cass County, North Dakota, or to take such other legal action to enjoin the enforcement of this Order as you deem proper, all in accordance with the appeal procedure set forth in Fargo Municipal Code § 21-0412. You are further given notice that the "dangerous building" on the subject property may be demolished by the city of Fargo at any time on or after January 9, 2021.

DATED this 27 day of July, 2020.

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

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

ATTEST:

  
Steven Sprague, City Auditor



December 31, 2020

Ronald Ramsey  
715 3 Avenue N.  
Fargo, ND 58102

**RE: 717 3 Avenue North, Fargo, ND 58102**

Dear Mr. Ramsey,

Please consider this letter as notification that an update of the condition of the property at 717 3 Avenue North will be presented at the next City Commission meeting held on Monday, January 11, 2021 at 5:00PM. As per the attached *Findings of Fact and Order* notice, Item 14 states the following:

14. That if said repairs are not completed by January 9, 2021, the Inspections Department is authorized to commence demolition of the subject property.

Please consider attending to update the Commissioners on the progress that has been made to the building. If you should choose to attend, please arrive early to ensure a seat in the chambers, and note that wearing a mask is required.

Sincerely,



Bill Thompson  
Building Inspector

CC: Heather McCord, Kilbourne Group



**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**


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

**Re: Notice of City Commission Meeting – Update on Progress of 717 3 AVE N., Fargo  
CM Receipt#: 9214 8901 9403 8328 8073 52**

Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 31<sup>st</sup> day of December, 2020, she served the attached notice, upon Ronald Ramsey, by placing true and correct copies thereof in an envelope addressed as follows:

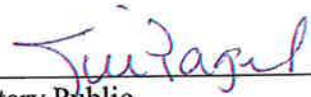
Ronald Ramsey  
715 3 Ave N  
Fargo, ND 58102

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 31<sup>st</sup> day of December, 2020.



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

(SEAL)

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: Notice of City Commission Meeting – Update on Progress of 717 3 AVE N., Fargo**  
**CM Receipt#: 9214 8901 9403 8328 8080 83**

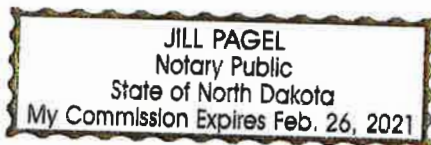
Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 31<sup>st</sup> day of December, 2020, she served the attached notice, upon Kilbourne Group, Attn: Heather McCord, by placing true and correct copies thereof in an envelope addressed as follows:

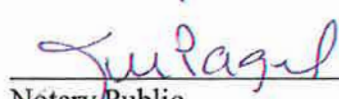
Kilbourne Group  
Attn: Heather McCord  
210 Broadway N, Ste 300  
Fargo, ND 58102-4771

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

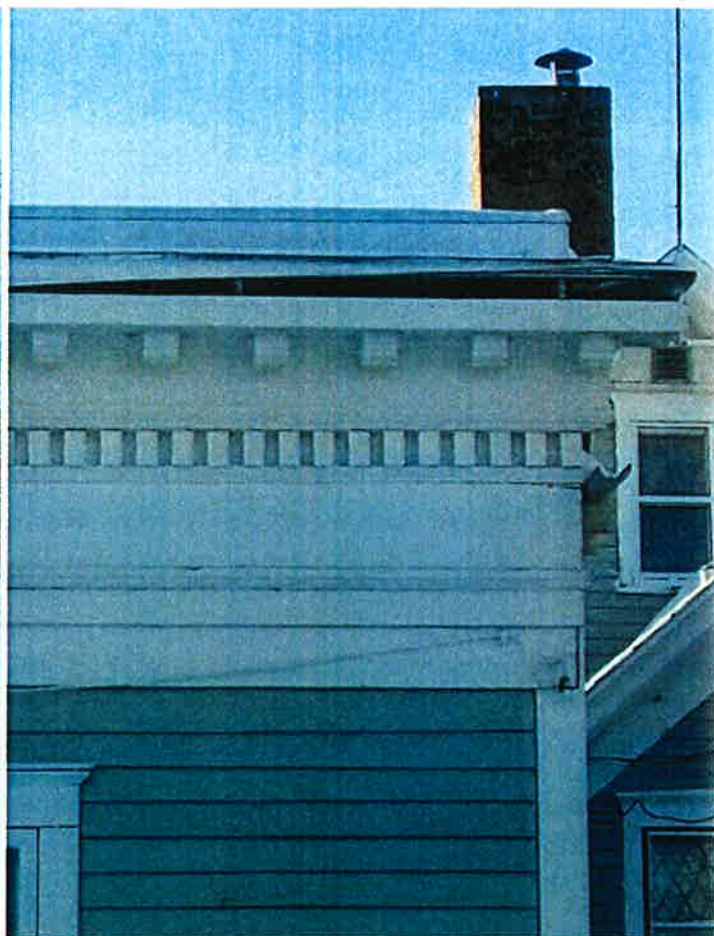
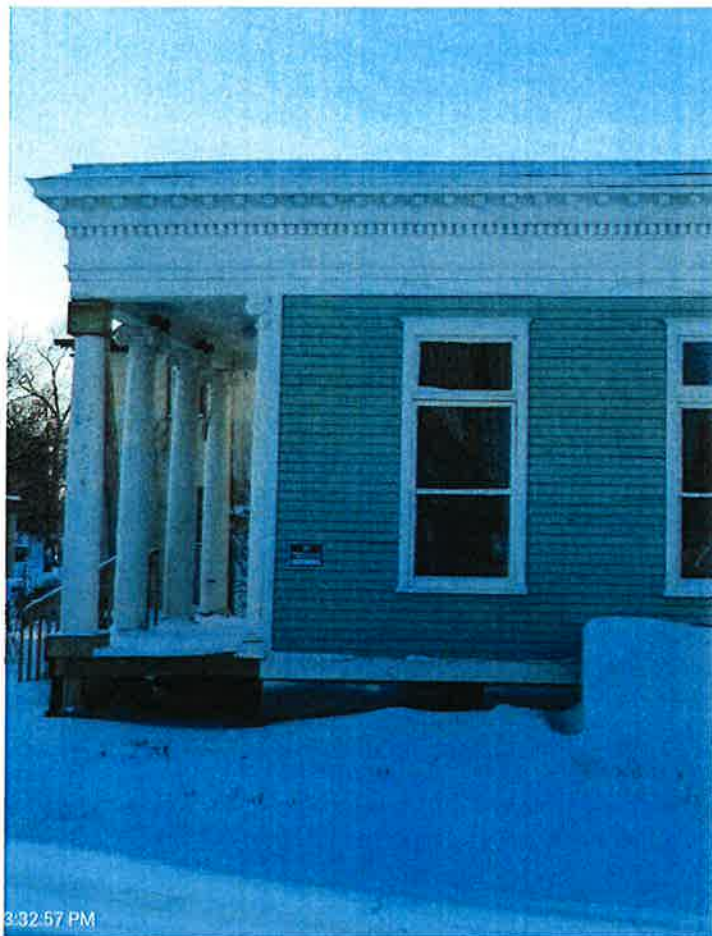
  
\_\_\_\_\_  
Gretchen Morlan

Subscribed and sworn to before me this 31<sup>st</sup> day of December, 2020.



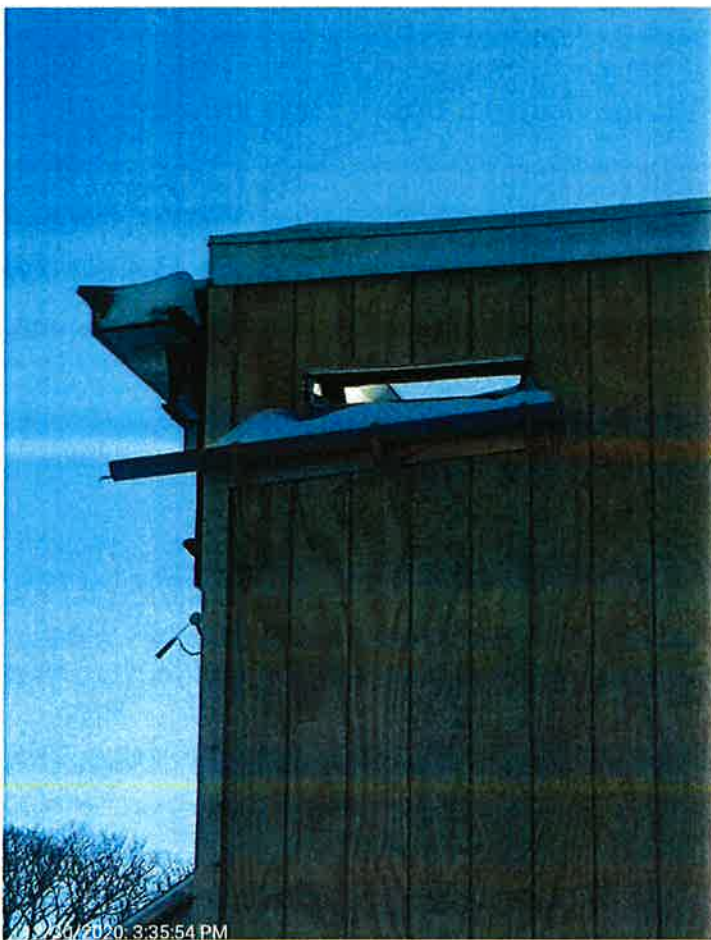
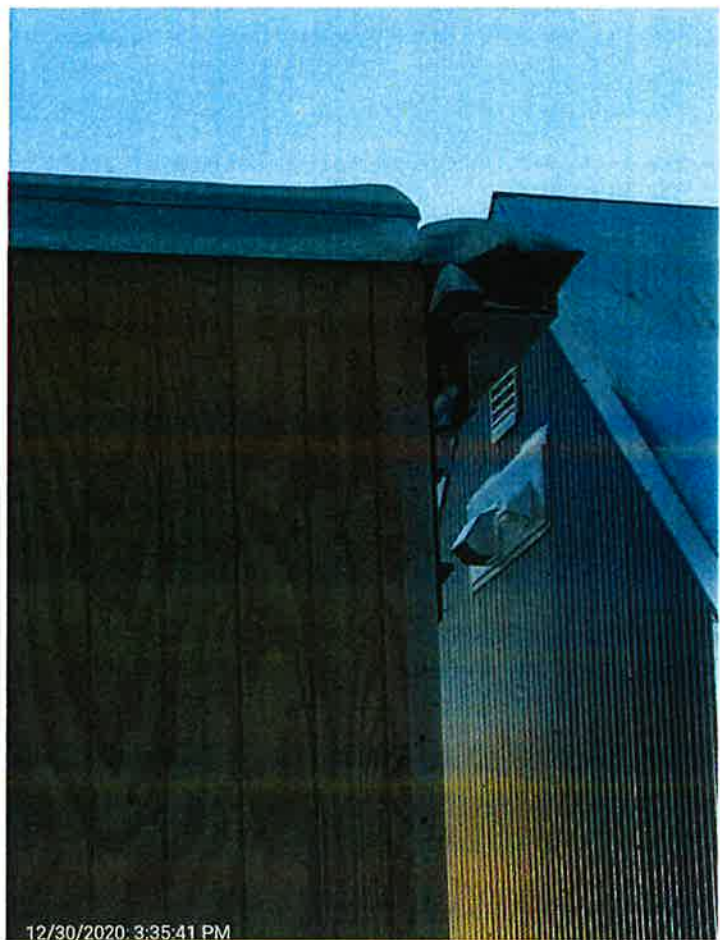
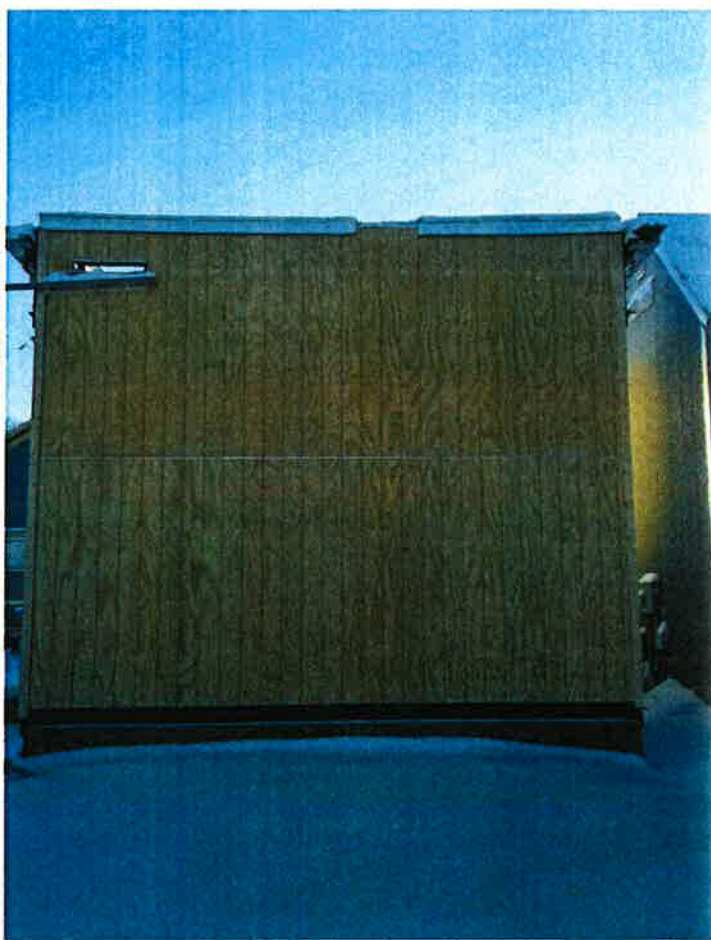
  
\_\_\_\_\_  
Notary Public  
Cass County, North Dakota

(SEAL)



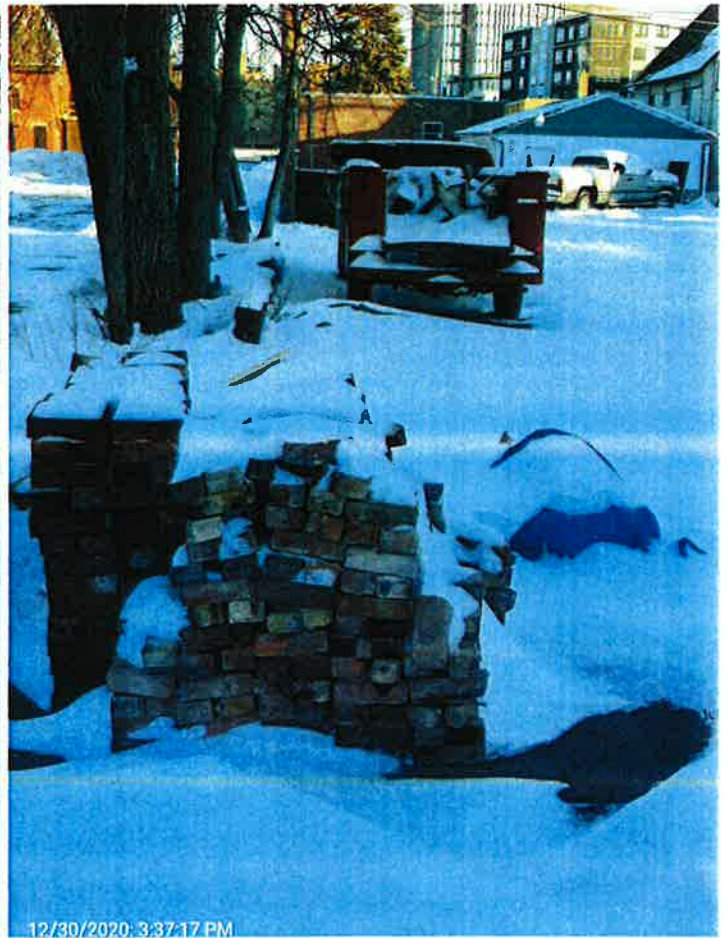
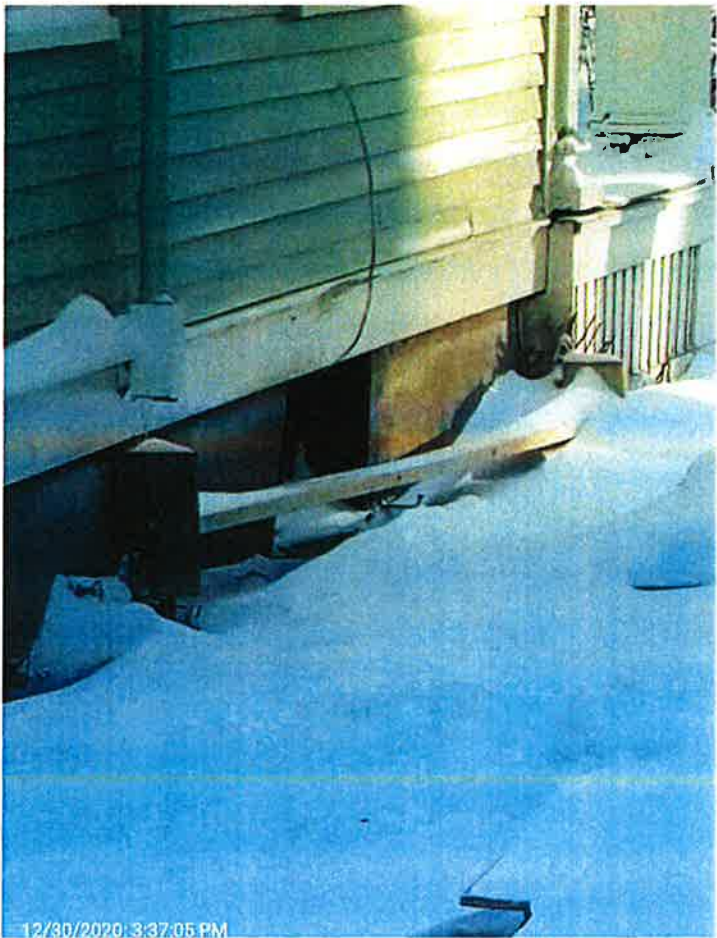
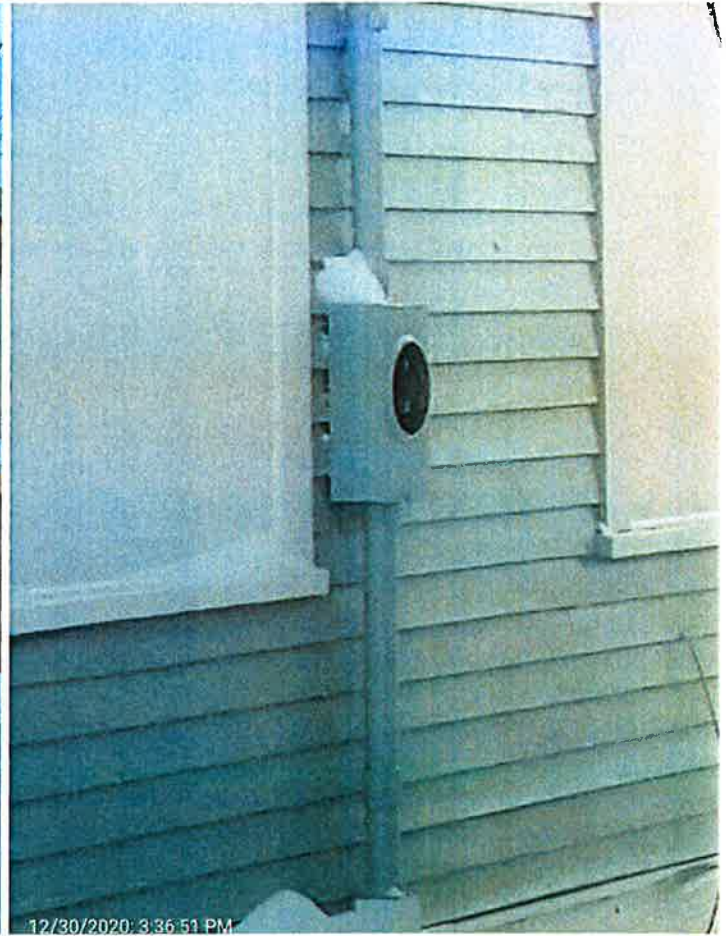
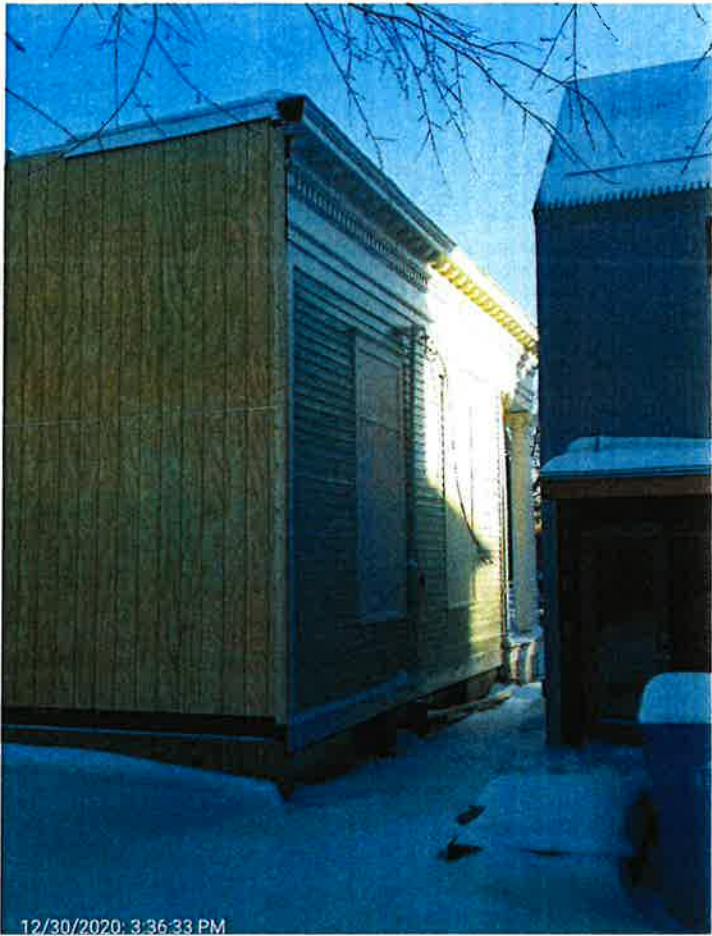
717 3 Avenue N - 12/30/2020





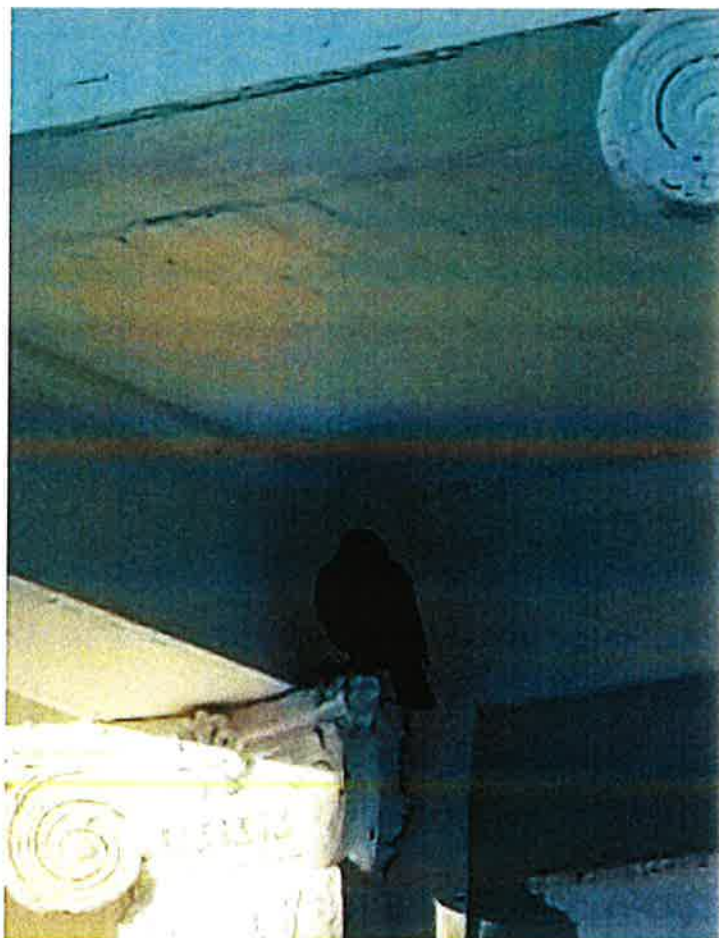
717 3 Avenue N - 12/30/2020





717 3 Avenue N - 12/30/2020





717 3 Avenue N - 12/30/2020



City of Fargo  
Inspections Department  
225 4th Street N, Fargo, ND 58102  
701.241.1561  
[www.FargoND.gov](http://www.FargoND.gov)

## Remodel / Repair Permit

<b>Permit Type:</b>	Remodel / Repair	<b>Permit Number:</b>	2010-0055-REN
<b>Address:</b>	717 3 Ave N	<b>Establishment:</b>	Existing structure
<b>Parcel Number:</b>	01-2382-01450-000	<b>Date Issued:</b>	10/14/2020
<b>Construction Value:</b>	\$41,000.00	<b>Total Area (ft<sup>2</sup>):</b>	400.00
<b>Special Flood Hazard:</b>	No	<b>Flood Protection Elevation:</b>	
<b>Occupancy Group:</b>		<b>Type of Construction:</b>	

### Description of Work:

Column repair, porch repair, enclose 4 sides, exterior paint, excavate brick foundation and infill, repair broken windows, incorporate structural engineer comments, provide exterior guard rail and handrail. Brace foundation.

<b>Applicant:</b>	Kilbourne Group	210 Broadway STE 300, Fargo, ND 58102
<b>Web Administrator:</b>	Kilbourne Group	210 Broadway STE 300, Fargo, ND 58102
<b>Parcel Owner:</b>	Ronald L M Ramsay	715 3 Ave N, Fargo, ND 58102
<b>General Contractor:</b>	Kilbourne Construction Management LLC	210 Broadway N Ste 300, Fargo, ND 58102

**Total Permit Fees: 424.0000**

### Conditions:

1. None

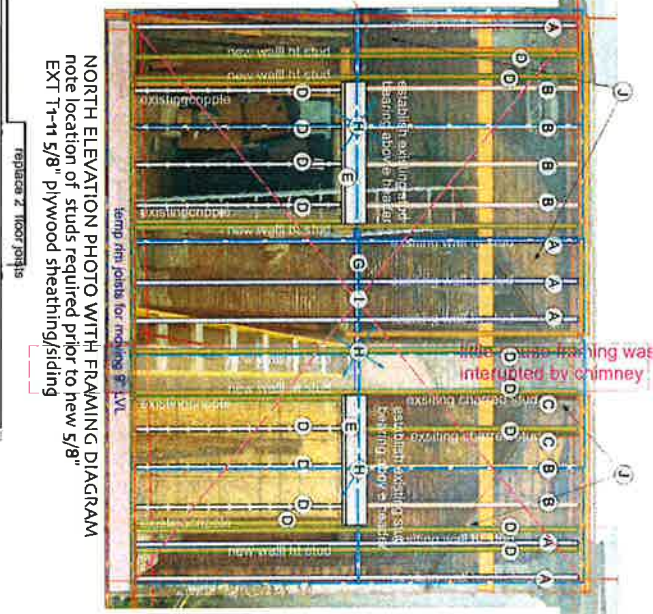
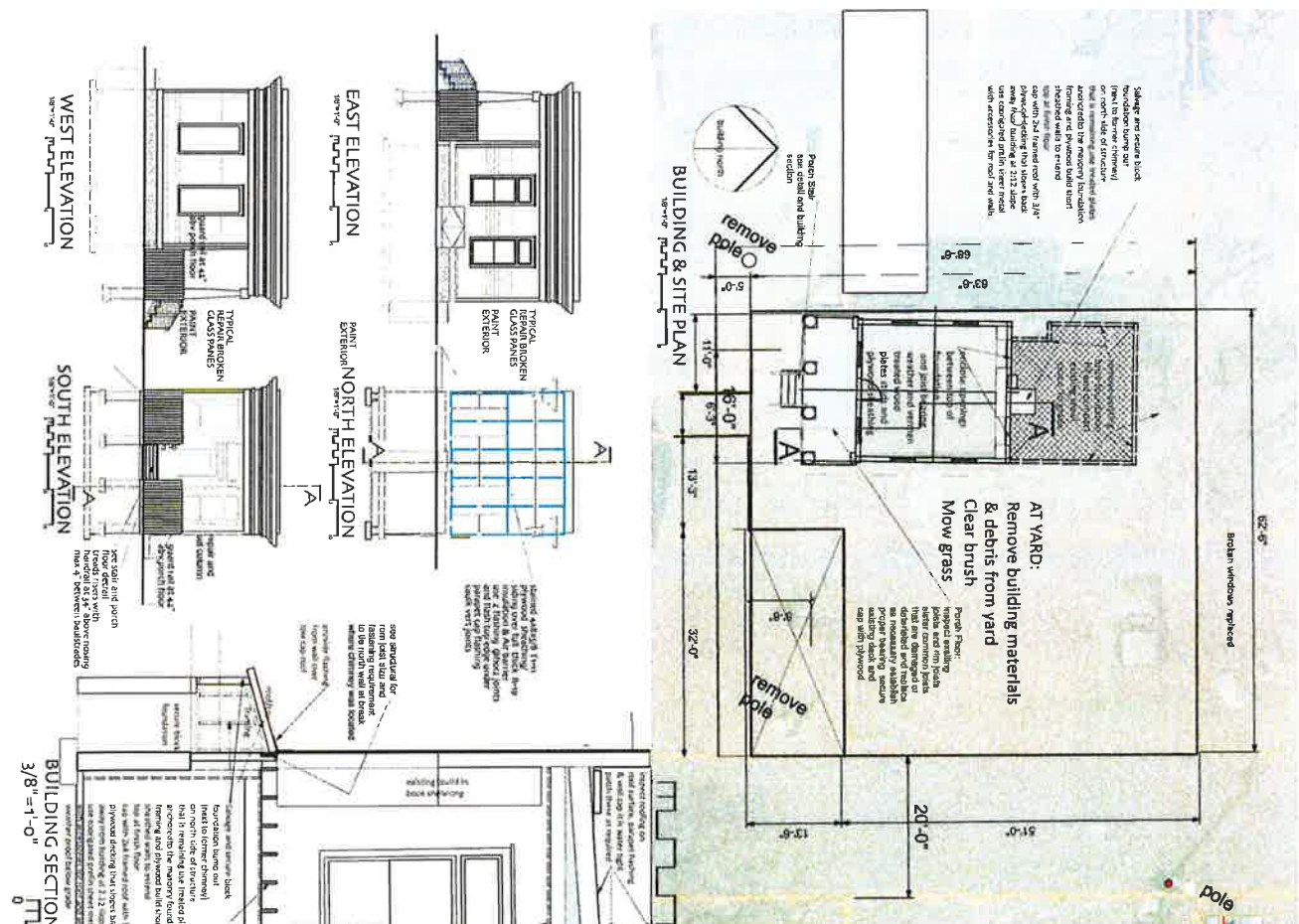
It is the responsibility of the permit holder to verify the existence of any covenants or easements on this property. Special Flood Hazard Permits shall be constructed in accordance to the Flood Proofing Code of the City of Fargo. Issuance of this permit shall not imply approval for any future work not identified on this permit or permit application. All work to comply with all applicable requirements of the City of Fargo including the 2018 Fargo Building Code.

**Approved By:**

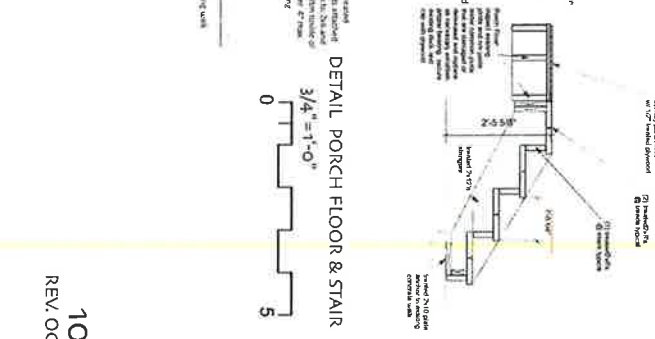
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Bill Thompson





- A. face of existing stud "full" 2x4 w/2x2s glued and nailed to match new 2x6 studs
- B. trim existing studs to bear on new header for face of existing stud "full" 2x4 w/2x2s glued and nailed to match new 2x6 studs
- C. trim existing studs to bear on new header for face of charred stud "full" 2x4 w/2x2s glued and nailed and sister with new 2x6 studs cipples at headers or temporary (dashed)
- D. openings
- E. replace existing headers with new header (2) 2x10s sandwich bottom clipped with 2x6 new header (2) 2x10s sandwiching 2 1/2" rigid insulation
- F. blocking between framing at seam of sheathing
- G. dotted grid shows 4x8 x 5/8" T-11 sheathing/siding adjust new studs and substructure 2x4 for 2x2 stud face turning to align with panel joints use 2 blocking horizontal joint, and extend and flash under parapet cap at top
- H. place R-19 fiberglass insulation between studs and header members, add air barrier to exterior remove portions of existing sheathing/siding to install existing cornice detail to remain
- I. install existing cornice detail to remain
- J. install existing cornice detail to remain



Ronald Ramsey  
Fargo, ND 58102

~~10/8/2020~~ Revised 12/9/2020

Re: 717 3<sup>rd</sup> Ave N Structural Evaluation

Mr. Ramsey:

Sandman Structural Engineers (SSE) was retained by Ronald Ramsey, Property Owner, to evaluate the structure at the address 717 3<sup>rd</sup> Ave North in Fargo, ND. Our objective was to observe the condition of the structure and provide an opinion of any remediation steps required at this time.

The building is scheduled to be lifted from its foundation, spring 2021, and be placed on a newly constructed basement foundation. We recommended a secondary structural inspection of the full structure after it is placed on its new foundation. This will ensure all systems are sufficient for structural capacity and compatible with the future function of the structure. This spring inspection will also discover any components potentially damaged during the building move.

SSE conducted a site visit to the residence on September 21, 2020. The following are our observations and recommendations. An additional site visit was completed on 12/4/20 to review the partially completed work.

#### **Observations**

The existing structure is a 1-story residential building with full basement. It includes a front porch on the south side. On the north side is the remnants of an adjacent structure that was recently partially demolished. At the time of the observation, partial removal of interior finishes allowed us to observe a portion of the structural framing and foundation wall systems.

#### **General Structural Systems:**

- Primarily wood framed, with 2x flat roof and floor joists. Above grade walls were wood framed.
- Floor joists were visible from basement level and roof joists were visible from 1<sup>st</sup> level ceiling.
- Foundation walls were CMU construction. Footings were not visible
- Porch was a continuation of the wood framing with outboard posts. The floor of the porch was not visible due to accessibility issues.

#### **Structural Discussion Items:**

- Roof framing showed local discoloration of lumber due to moisture intrusion, but visibly did not show deterioration due to material rot. We were informed that the roof was recently re-roofed, repairing previous penetrations.
- West/South/East walls were covered in interior and exterior finishes.
- North exterior wall was currently covered in a blue tarp. This was due to the demolition of the adjacent building, which shared this now exterior north wall. This wall was not originally framed to be an exterior wall.
- Floor framing joists were supported by an interior wood beam/column line. In multiple locations, the ends of the joists at perimeter bearing were rotted significantly.

- Door and chase openings in the east foundation wall showed signs of header/lintel excessive deflection at the top of rough opening
- North wall of foundation did not continue up to the floor structure. Instead it was exposed to the crawl space of the demolished building to the north.
- West/South/East foundation walls showed lateral deflection at mid-height due to lateral soil pressures. Mortar and stepped cracks were visible. Previously installed steel braces were not fully functioning due to corrosion at the brace base.
- East wood column for support of porch roof was missing. Foundation below this post consisted of dislodged and missing bricks from the original masonry support pier.
- We were not able to observe/inspect the wood floor framing of the porch. The wood decking over the joists was loose and damaged in areas.
- No surveyed measurements of levelness were taken on the in-place foundation walls or floor slab.

### Recommendations

In general, our evaluation and recommendations are based on this building being scheduled for further renovation in the spring of 2021. This will involve lifting the wood structure off the existing foundation; constructing a new engineered foundation; and re-setting the structure. At that time, the entire wood structure will be reinspected and further remediations are expected to accommodate the new function of the structure. This will also include connections from the existing structure to the new foundation and accommodations for new MEP components/chases.

The following are structural remediation items we recommend being completed during phase 1 this fall/winter 2020.

- North Exterior wall to be confirmed to have 2x4 studs at 16" o.c. to complete this exterior wall to resist out-of-plane wind loads. This north end wall to be sheathed with a minimum of 7/16" OSB wall sheathing.
- Floor joists ends that are rotted at the perimeter bearing to receive a new adjacent joist of the same depth. This reinforced length to extend from outside bearing to interior beam line. Fasten new joist to existing with (2) 16d nails at 16 o.c. During the next phase, we expect further reinforcement of joists to accommodate building lift and re-installation to new foundation.
- The two rough openings (door and chase) in the exterior east foundation wall have header/lintel capacity issues. We recommend that these opening be shored with 2x4 framing at 16" o.c. with (1) layer of 7/16" OSB. This will transfer the gravity loads to the foundation. This will be further evaluated after the spring inspection to determine the final solution with the new foundation.
  - If a framed opening is necessary to maintain at the east basement door, a double 2x8 header with (2) jack studs would be required.
- On the north foundation wall, recommend a new 2x4 wall (16" o.c.) be constructed on the inside face of this partial height CMU foundation wall. This new stud wall to be continuous from slab to underside of floor structure. At the top of the wall, provide solid blocking between floors to secure laterally at 24" o.c. The base sill plate to be anchored with ½"x 4" Simpson Titan HD anchors at 24" o.c.
  - We expect for the cladding remediation to provide infill from the outside to close off this opening in the basement to the exterior.
- East porch column to be re-installed to existing condition. ~~Foundation pier to be reconstructed with bricks to recreate a uniform bearing.~~ Existing SE pier was removed due to excessive brick damage. New wood posts with concrete pedestals were added at all four columns. It was discovered that original piers were not placed to a frost depth. The new wood posts with concrete pedestals meet or exceed the previous capacity provided by the brick piers. It is our professional opinion that this foundation support with the given soils has historically performed well in regard to settlement and frost damage. We do not recommend the need to remove and replace with full depth frost footings.



- Porch joist and planks to be evaluated for localized rot or damage. Damaged sections or rot to be reinforced with new joist. Replace broken floor planks with new sections, securing to joists below. This was completed by the project's contractor. I reviewed this as-built framing during the 12/4/20 site visit and did not see any structural concerns for the intended use of the porch framing.

The lateral deflection of the CMU basement walls is a common condition with basement foundations in this region with similar building components. In our opinion this deflected shape has been present in this building for some time. Historical evidence is indicating that this wall has remained in a stable condition. With the proposed spring 2021 renovation schedule, this wall will be removed and replaced at that time. To provide additional lateral support of the basement wall at this current time, we recommend the following bracing system to be added as a redundancy to the existing wall capacity.

- It was discovered after further demo, that existing steel braces were already installed by others on the east wall. No need to further reinforce the east wall due to the in-place bracing being still intact.
- Provide W4x13 steel vertical braces at 6'-0" o.c. on the west, south, and east walls of the basement
- Braces should be placed tight against the inside face of concrete wall at the point of deflection.
- Braces to be secured into floor structure above with solid blocking in all directions
- Braces to be secured into the floor slab by core drilling, setting brace, and grouting back in solid.
- In further discussions with the construction team, it was requested for an alternate wall reinforcement on the south and west walls. For this alternate, we recommend a new 2x4 wall (16" o.c.) be constructed on the inside face of this CMU foundation wall. This new stud wall to be continuous from slab to underside of floor structure. At the top of the wall, lap the new studs with the floor joists and fasten with (6) 1/4" wood screws. The base sill plate to be anchored to concrete slab with 1/2"x 4" Simpson Titan HD anchors at 16" o.c. Provide Simpson A23 clips on each stud connecting the studs to the sill plate.

We would recommend that the Owner monitor the conditions of these walls regularly. These baseline measurements can be tracked over time to determine if foundation walls movement is active or static.

This evaluation and report is limited to the visible structural components observed at the time of the inspection. All other framing and foundation components were not reviewed by SSE and are not included within this report. This should not be considered a warranty of the structural condition of the residence.

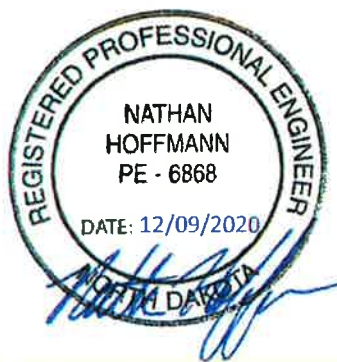
SSE appreciates the opportunity to provide you with these recommendations. SSE shall be held free of any and all liability with respect to changes in the structures condition or applied loads after the time of inspection, which may have detrimental effects on the performance and/or serviceability of the structure. If you have any questions or comments feel free to contact SSE.

SSE appreciates the opportunity to assist you with this project. If you have any questions or comments feel free to contact SSE.

Thank you,



Nathan Hoffmann, PE  
Structural Engineer  
Sandman Structural Engineers





City of Fargo  
Inspections Department  
225 4th Street N, Fargo, ND 58102  
701.241.1561  
[www.FargoND.gov](http://www.FargoND.gov)

## Remodel / Repair Permit

Permit Type:	Remodel / Repair	Permit Number:	2008-0402-REN
Address:	717 3 Ave N	Establishment:	
Parcel Number:	01-2382-01450-000	Date Issued:	8/13/2020
Construction Value:	\$500.00	Total Area (ft <sup>2</sup> ):	0.00
Special Flood Hazard:	No	Flood Protection Elevation:	
Occupancy Group:		Type of Construction:	

### Description of Work:

Remove debris and fixtures from basement. North addition will be demolished. South portion of structure to remain. Remaining structure will be braced in preparation to be moved. Commission approved the demolition permit with a deadline of 180 days from the 7/13/20 commission meeting.

Applicant:	Kilbourne Group	210 Broadway STE 300, Fargo, ND 58102
Web Administrator:	Kilbourne Group	210 Broadway STE 300, Fargo, ND 58102
Parcel Owner:	Ronald L M Ramsay	715 3 Ave N, Fargo, ND 58102
General Contractor:	Kilbourne Construction Management LLC	210 Broadway N Ste 300, Fargo, ND 58102

Total Permit Fees: 35.0000

### Conditions:

1. None

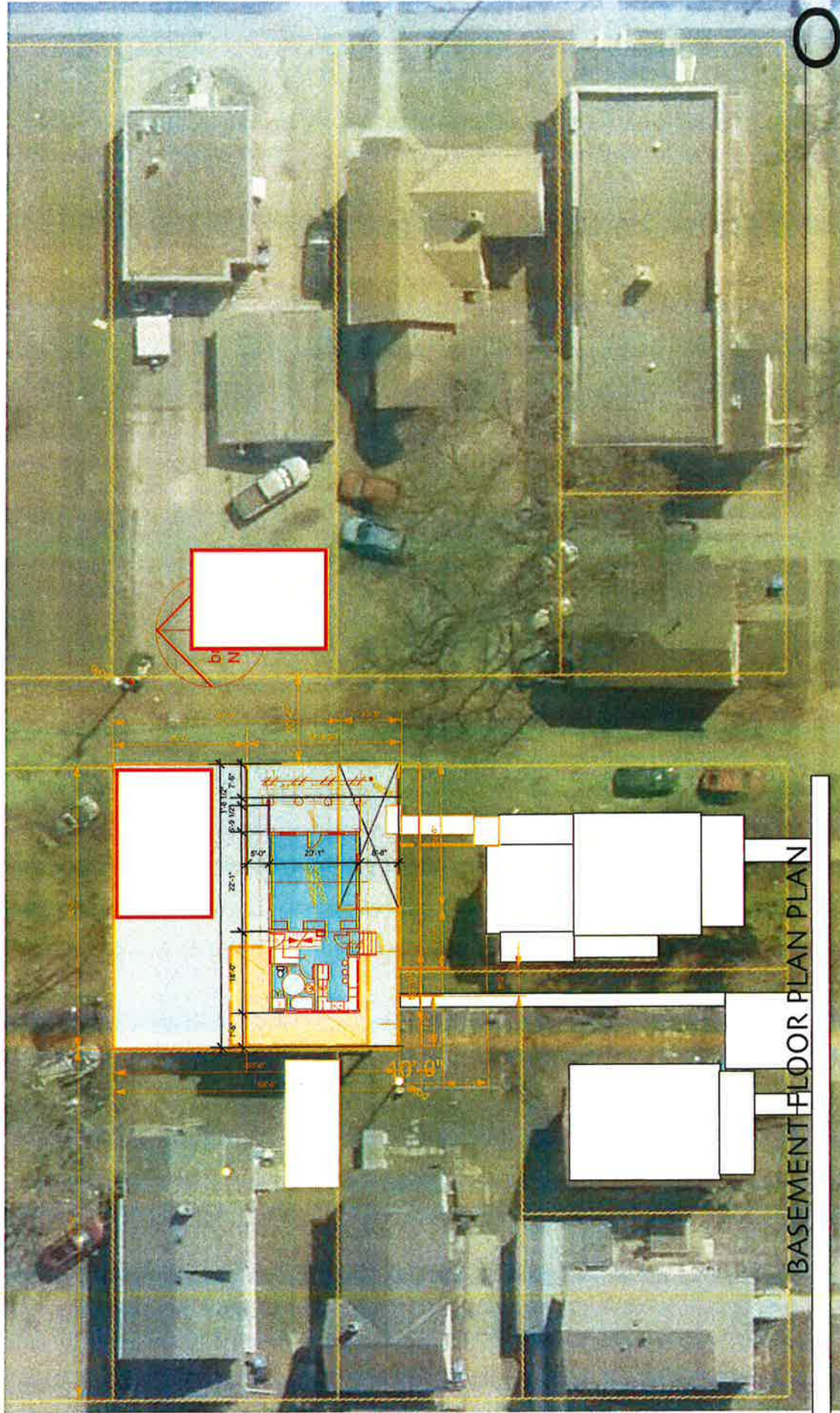
It is the responsibility of the permit holder to verify the existence of any covenants or easements on this property. Special Flood Hazard Permits shall be constructed in accordance to the Flood Proofing Code of the City of Fargo. Issuance of this permit shall not imply approval for any future work not identified on this permit or permit application. All work to comply with all applicable requirements of the City of Fargo including the 2018 Fargo Building Code.

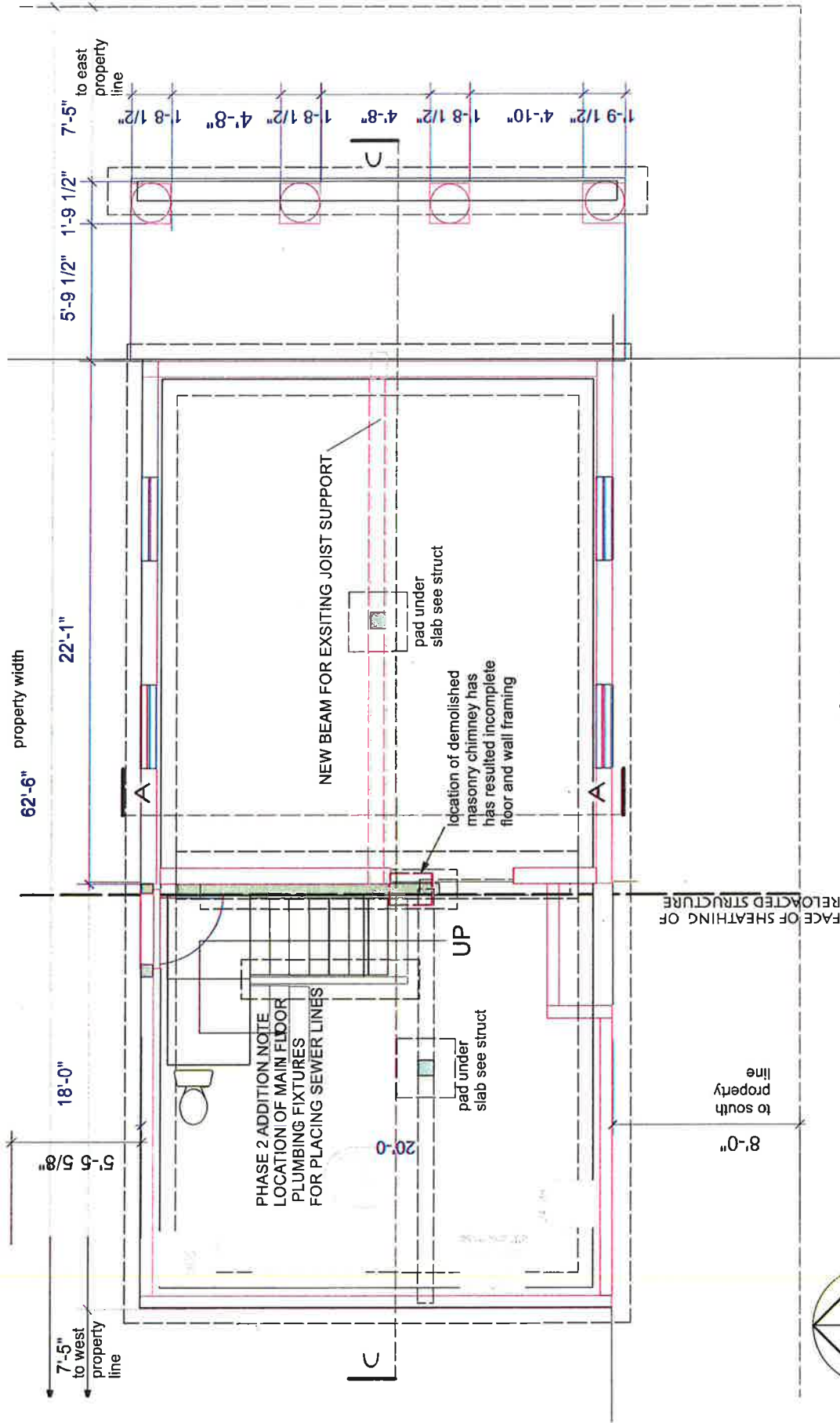
Approved By:

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Melissa Gaulrapp







**NOTE:**  
FIELD VERIFY ALL DIMENSIONS

## BASEMENT FLOOR PLAN PLAN

1' 4" = 1'-0"

RAMSAY VANDERVORT RELOCATION / ADDITION

717 3rd Ave N  
Fargo, ND 58102  
46.879789, -96.791565

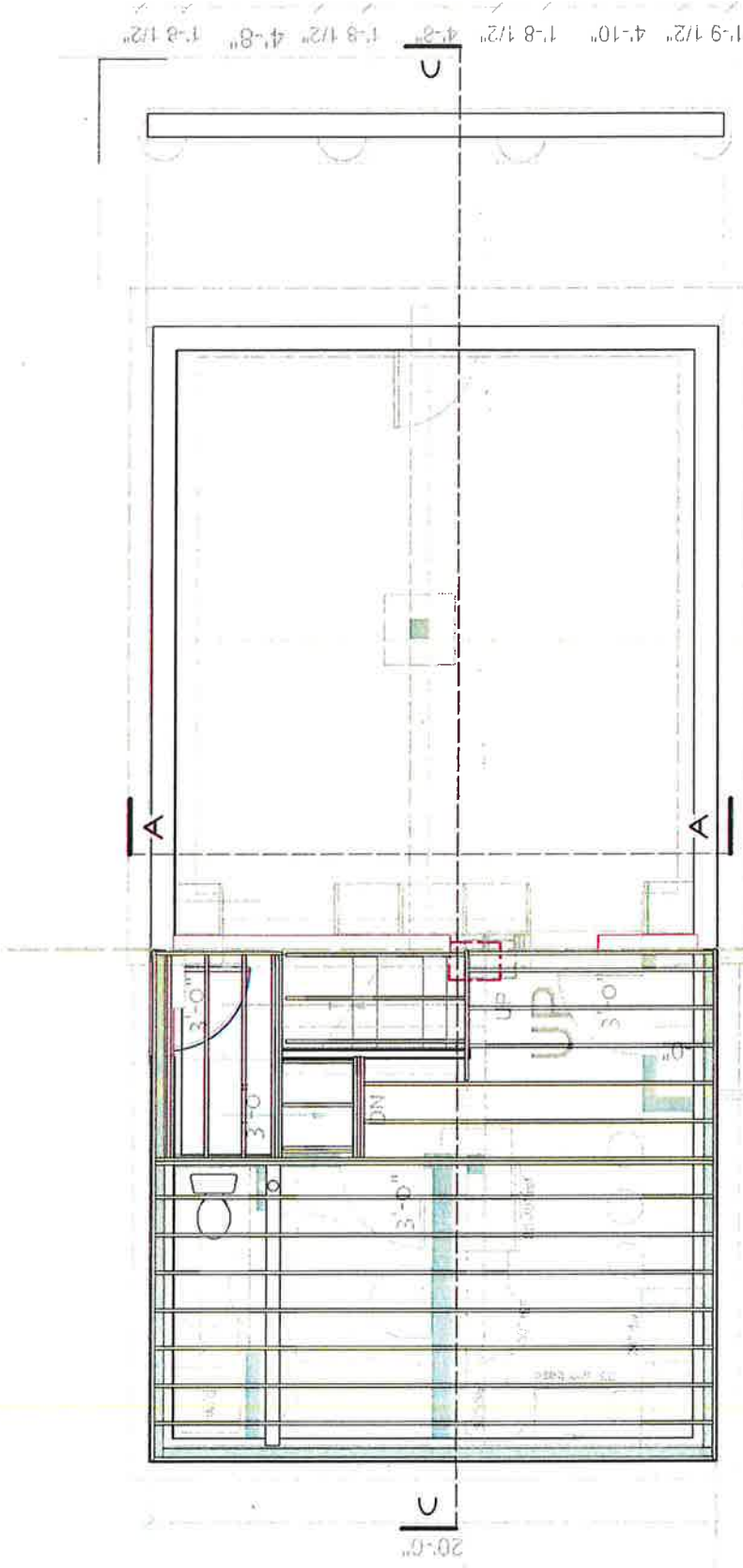
7.24.2020

**PHASE !**

7.24.2020

5





# MAIN FLOOR FRAMING PLAN



1.4"=1'-0"

NOTE:  
FIELD VERIFY ALL DIMIENSIONS

01.1

RAMSAY VANDERVORT RELOCATION / ADDITION PHASE I

717 3rd Ave N Fargo, ND 58102 46.879789, -96.791565 7.24.2020



1.4"=1'-0"

No

RAMSAY VANDERVORT RELOCATION / ADDITION

**717 3rd Ave N** Fargo, ND 58102 46.879789, -96.791565

7.24.2020

7.24.2020

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**Memorandum**

(216)

DATE: January 7, 2021  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Bruce Taralson, Inspections Director  
SUBJECT: Dangerous Building Notice and Order at 1418 1 Avenue N., Fargo, ND

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The property owner of 1418 1 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 has been set for January 11, 2021 for this order at which time the property owner will be able to appear and show cause why the building should not be removed and the costs of that removal assessed against this property.

The recommendation is to **designate this building to be a dangerous building, direct the City Attorney to prepare findings of fact in this matter, and order its removal before March 6, 2021. Please direct the appropriate staff to secure the removal of this building at that time, should the owner fail to do so.**



vehicle removal  
notice4-08.doc



## Inspections Office

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

### **DANGEROUS BUILDING ORDER TO COMMISSION- Detail and Timeline regarding 1418 1 Avenue N., Fargo, ND.**

The hearing scheduled for January 11, 2021, is required under Article 21-0405 for the purpose of allowing any interested parties the opportunity to comment, and to allow the Owner of the said property the opportunity to appear and show cause why the City of Fargo should not cause the removal of this building.

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

1. The Inspections Department received a notice regarding the condition of the property.
2. The Inspections Department inspected the property.
3. The Inspections Department placarded building as a Dangerous Building.
4. The Inspections Department provided Dangerous Building notice to Owner allowing 14 days to obtain permit or demolish structure.
5. The Inspections Department is reporting to City Commission today.

In your packets, you will find the Dangerous Building Notice. Article 21-0404 requires the Inspections Department give a 30-day notice to the Owner of the property prior to any action by the City Commission or staff. Our timeline shows the building was placarded on December 9, 2020 and the Dangerous Building Order posted on December 15, 2020; The Owner did not take action as required by the notice. A 2-week deadline was issued to either obtain a permit to repair the structure or demolish the structure, which expired on December 29, 2020.

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

**PROPERTY INFORMATION-** Building is currently vacant and is uninhabitable due to a fire that occurred on December 5, 2020 and current Inspections order. Deterioration is extensive. Building constructed in 1939.

**Description:** Warehouse & Office.

**Description of damage:**

- Roof is collapsed and windows are broken.
- Exterior walls are collapsing.
- Building is unsecured.
- Building interior and its contents appear to be completely destroyed.

**Timeline of events:**

**4/29/2008:** Vehicle removal notice – 20-30 mostly un-licensed vehicles.

**10/13/2009:** Vehicle removal notice – 1965 Buick Riviera.

**10/22/2010:** Complaint Received – “PC Pipe Open Under Building”.

**10/28/2011:** Complaint Received – “Junk”.

**11/14/2011:** Complaint Received – “Junk”.

**11/17/2011:** Vehicle removal notice – 1994 Dodge Van.

**12/6/2012:** Complaint Received – “Junk on West side of property”.

**6/24/2016:** Complaint Received – “Junk”.

**12/05/2020:** Building was damaged due to fire.

**12/9/2020:** Building was placarded.

**12/14/2020:** Deputy Assessor, James Haley, deemed that the cost to cure the deterioration exceeds 50% of the most recent certified True & Full Improvement Value.

**12/15/2020:** Dangerous Building Notice was posted on structure and mailed to Owner via registered mail.

**12/23/2020:** Inspections requested Dangerous Building *Order to Show Cause* Hearing to be scheduled for January 11, 2021.

**12/29/2020:** The deadline expired to either obtain a permit to repair or demolish the structure as required by the Dangerous Building Notice.

**12/29/2020:** Notice of Hearing posted on building and mailed to Owner via registered mail.

**1/6/2021:** As per the City of Fargo Water Department, water usage was active until shutoff on December 7, 2020.

**1/6/2021:** As per Xcel Energy, there were active gas and electric services before the fire.

**1/11/2021:** Dangerous Building Hearing

**1/21/2021:** Anticipated issuance of *Findings of Fact* document.

**2/4/2021:** Deadline to appeal to District Court.

**3/6/2021:** Deadline for Owner to demolish or City of Fargo to proceed with action on City Commissions recommendation to demolition.

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

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

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

Respectfully submitted,  
Dated this 7<sup>th</sup> day of January, 2021.

A handwritten signature in dark ink, appearing to read "Bruce Taralson", with a long horizontal flourish extending to the right.

Bruce Taralson  
Inspections Director

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



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

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**Date: December 29, 2020**

**Location: 1418 1 Avenue N., Fargo, ND 58102**

**Property Owner: Gary J Reinhart**

**Address of Property Owner: 1420 1 Avenue N., Fargo, ND 58102-1609**

**Inspector: Mike Moss**

**Date of Posting: December 29, 2020**

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

The board of city commissioners shall:

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

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



A public hearing regarding the dangerous building located at 1418 1 Avenue N., Fargo, ND has been scheduled for Monday, January 11, 2021 at 5:00PM. The hearing will take place in the City Commission Chambers, located at 225 4<sup>th</sup> Street N., Fargo, ND 58102.

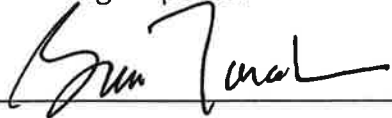
Any interested person or party is encouraged to attend, and any interested party will be given a chance to speak during the meeting. Please be aware that due to the Covid-19 pandemic, there are restrictions to the number of attendees allowed into the meeting space. Please arrive early to ensure a seat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

Dated on this 29<sup>th</sup> day of December, 2020.



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Mike Moss  
Building Inspector



---

Bruce Taralson  
Inspections Director

**AFFIDAVIT OF SERVICE**

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

**Re: Posting of Notice of *Order to Show Cause Hearing* – 1418 1 Avenue N., Fargo, ND**

Michael Moss, being first duly sworn and being of legal age, deposes and says that on the 29<sup>th</sup> day of December 2020, he posted the attached notice upon the following address:


1418 1 Avenue N.  
Fargo, ND 58102

  
\_\_\_\_\_  
Michael Moss

Subscribed and sworn to before me this 29<sup>th</sup> day of December, 2020.



(SEAL)

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

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: Notice of Order to Show Cause Hearing – 1418 1 Avenue N., Fargo, ND**  
**CM Receipt#: 9214890194038328625925**

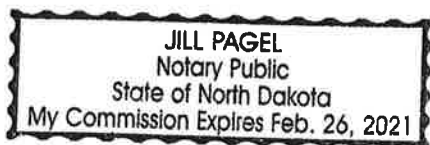
Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 29<sup>th</sup> day of December, 2020, she served the attached notice, upon Gary Reinhart, by placing true and correct copies thereof in an envelope addressed as follows:

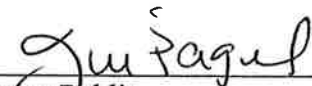
Gary Reinhart  
1420 1 Avenue N  
Fargo, ND 58102

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 29<sup>th</sup> day of December, 2020.



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

(SEAL)

# Fargo Inspections

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



## NOTICE OF DANGEROUS BUILDING

12/15/2020

TO: Gary Reinhart  
1420 1 Ave N  
Fargo ND 58102

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 1418 1 Ave N Fargo ND 58102, and is located on that tract of land in the city of Fargo, more particularly described as follows:

Block 22 1 THRU 6 & 24 THRU 34 INCL, EXC THAT PT OF SD LT 24 LYING ELY OF A LN DRAWN CONCENTRIC WITH & DIST 9 FT WLY, AS MEAS RADially FROM BNSE RAILWAY CO (FORMERLY NP RAILWAY CO) SPUR TRACK CENTERLINE, AS NOW LOC & CONST UPON, OVER & ACROSS SD BLK 22 & ALL VAC ALLEY LYING ADJ TO LTS 1-6 & 1/2 OF VAC ALLEY LYING ADJ TO LTS 24-28 Reeves.

(hereinafter referred to as "the building")

3. That an inspection was made of the building on 12/9/2020 by Mike Moss, Building Inspector, and on December 14, 2020 by James Haley, Deputy Assessor of the City of Fargo.
4. That the building inspector for the City of Fargo has found the building, consisting of a storage/warehouse building to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and IPMC Code 108.1.5 concerning Dangerous Structures.
5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

6. That the owner of the building must demolish the building within two weeks 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.

A. James Haley, Deputy Assessor of the City of Fargo has deemed that the building has been damaged or deteriorated to the extent of more than fifty (50) percent of its original value prior to the damage or deterioration. Source: Fargo Municipal Code, Article 21-0402 concerning Dangerous Buildings.

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

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

10. Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 108.2 of the International Property Maintenance Code, 2018 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 15<sup>th</sup> day of December 2020.

11. Order to secure building. The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance, by no later than December 15, 2020. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

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

Dated this 15<sup>th</sup> day of December 2020.

### Conditions Found Statement

On December 9, 2020, inspector, Mike Moss, was present at 1418 1 Ave N Fargo, ND to address an investigation from a fire. The following violations were found:

- Roof is collapsed.
- Windows are broken.
- Building is unsecured.
- Building interior and contents appear to be completely destroyed.

The following action must be taken:

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



Mike Moss  
Building Inspector  
City of Fargo, ND



Bruce Taralson  
Inspections Director  
City of Fargo, ND



Date Signed



**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: Notice of Dangerous Building at 1418 1 Avenue N., Fargo, ND 58102**  
**CM Receipt#: 9214 8901 9403 8327 6233 97**

Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 15<sup>th</sup> day of December, 2020, she served the attached notice, upon Gary Reinhart, by placing true and correct copies thereof in an envelope addressed as follows:

Gary Reinhart  
1420 1 Ave N  
Fargo, ND 58102

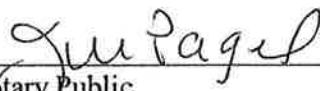
and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail.

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

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 2020.



(SEAL)

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

**AFFIDAVIT OF SERVICE**

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

**Re: Posting of Dangerous Building Notice**

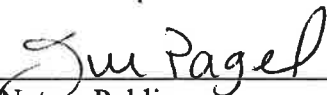
Michael Moss, being first duly sworn and being of legal age, deposes and says that on the 15<sup>th</sup> day of December 2020, he posted the attached notice upon the following address:

1418 1 Ave N  
Fargo, ND 58102

  
\_\_\_\_\_  
Michael Moss

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 2020.



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

(SEAL)



**ASSESSOR'S OFFICE**

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

**MEMORANDUM:**

DATE: 12/15/2020  
TO: Bruce Taralson, Inspections Administrator  
FROM: James Haley, Deputy Assessor  
SUBJECT: 1418 1 Ave N

On December 14<sup>th</sup> 2020, I viewed the exterior of 1418 1 Ave N.

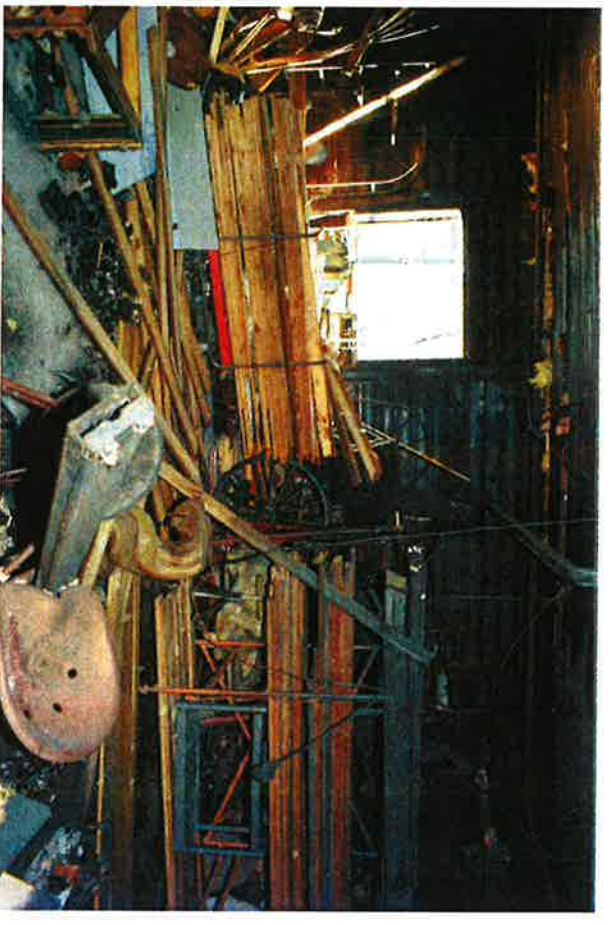
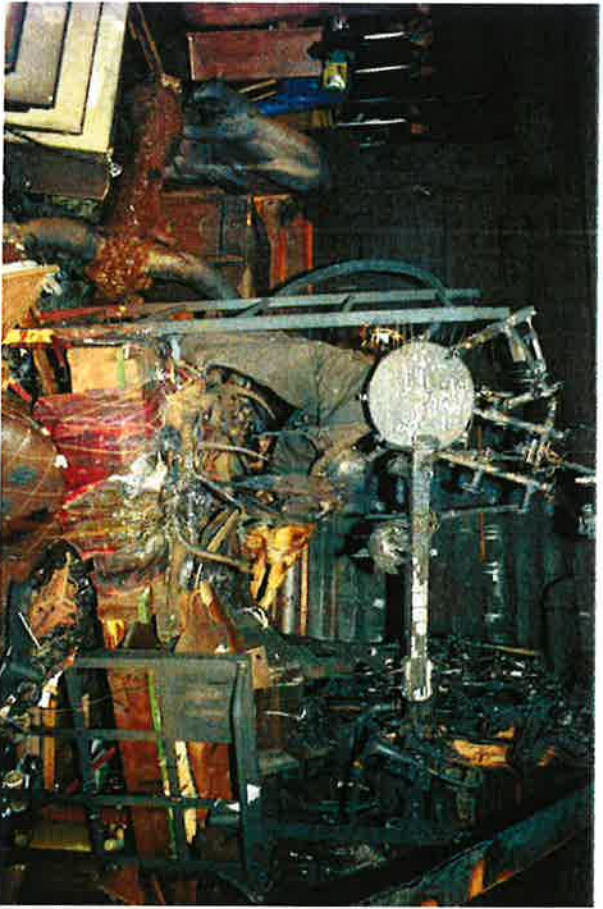
My calculations indicate that the cost to cure the damage of the subject building exceeds 50% of the most recent certified true & full improvement value of the improvement.





12-5-2020 - Pictures from Fire Department (1418 1 Ave N., Fargo)





12-5-2020 Pictures from Fire Department (1418 1 Ave N., Fargo, ND)





12-5-2020 Pictures from Fire Department (1418 1 Ave N., Fargo, ND)





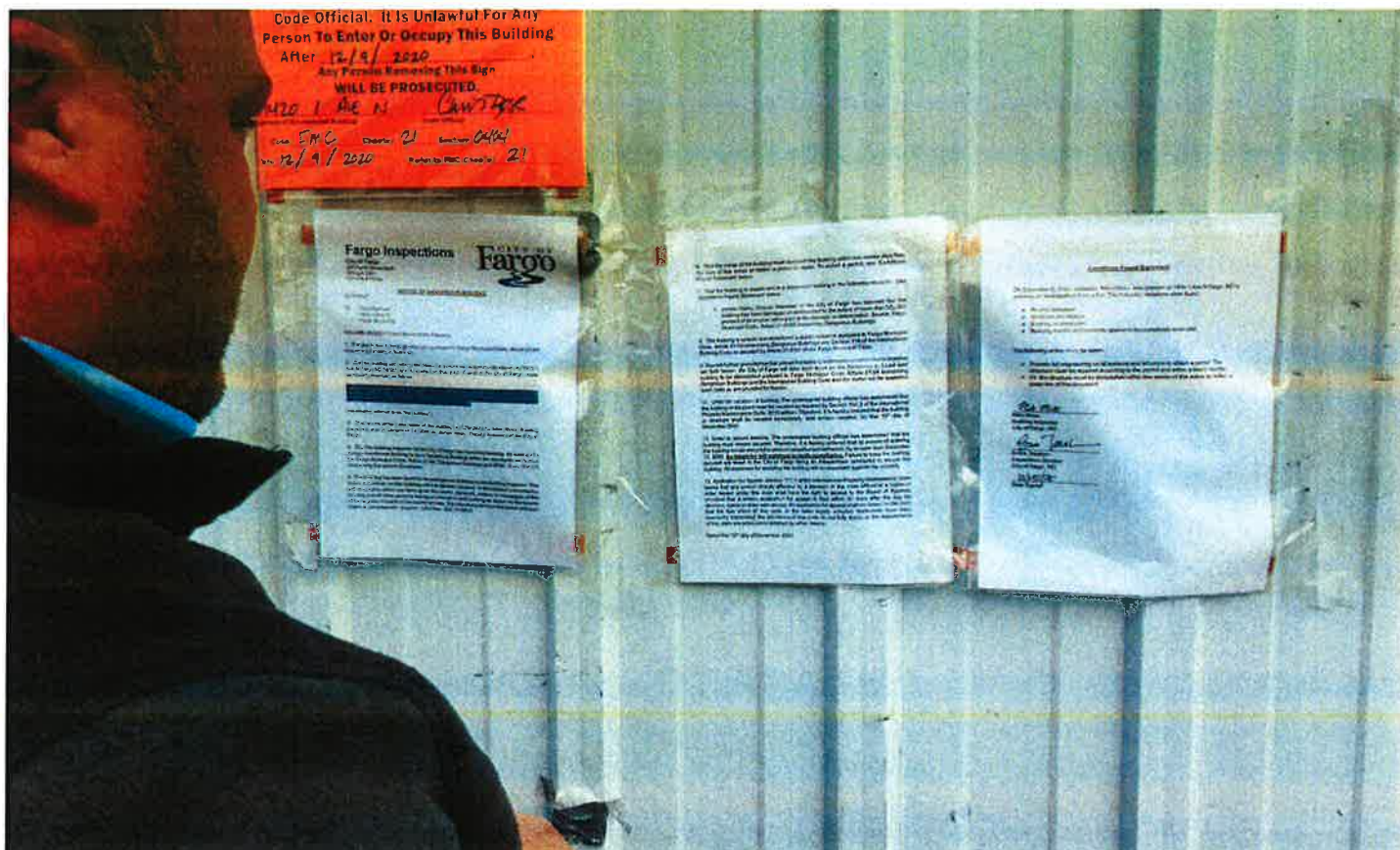
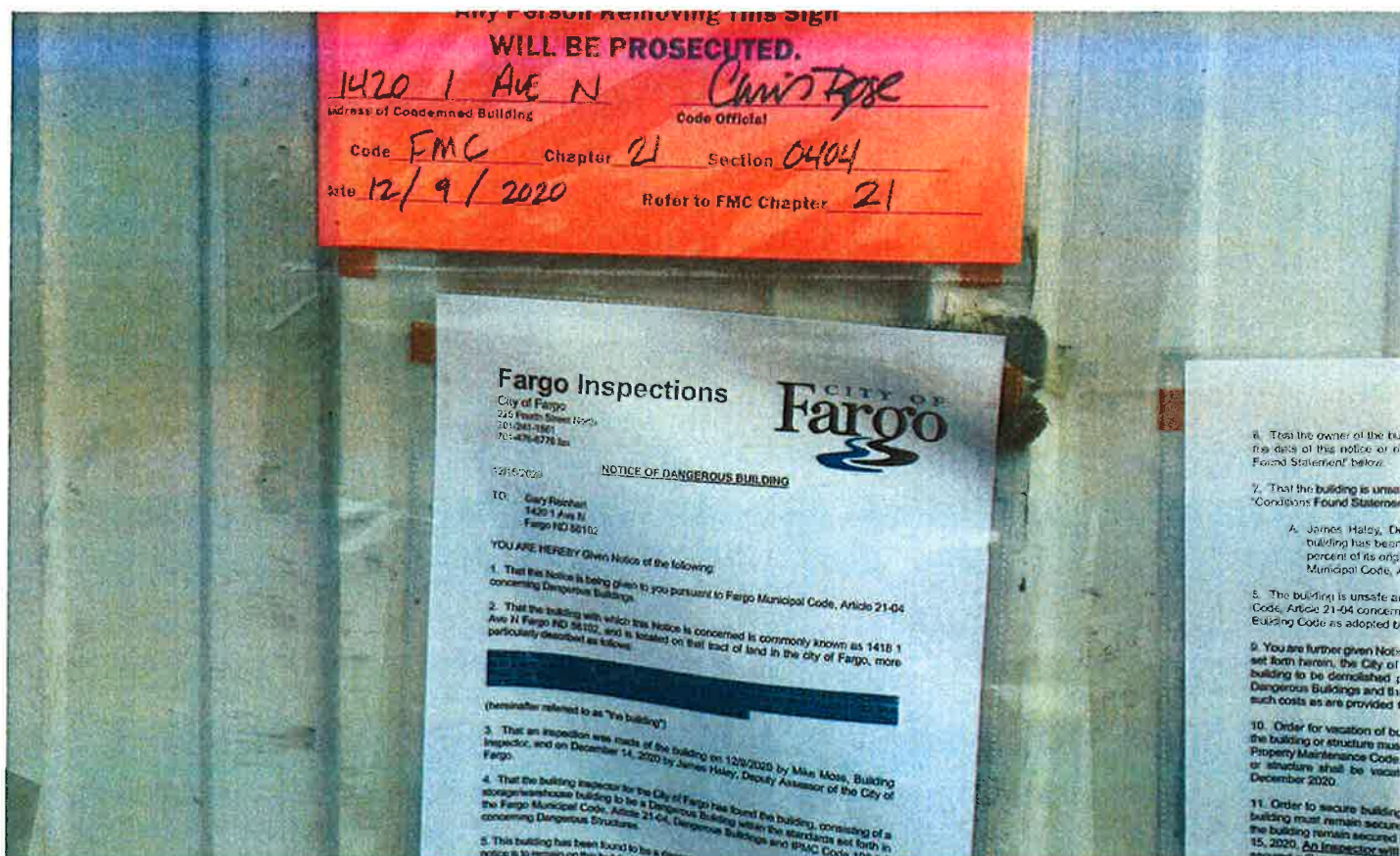
12-5-2020 Pictures from Fire Department (1418 1 Ave N., Fargo, ND)





1418 1 Avenue N - 12/15/2020





1418 1 Avenue N - 12/15/2020



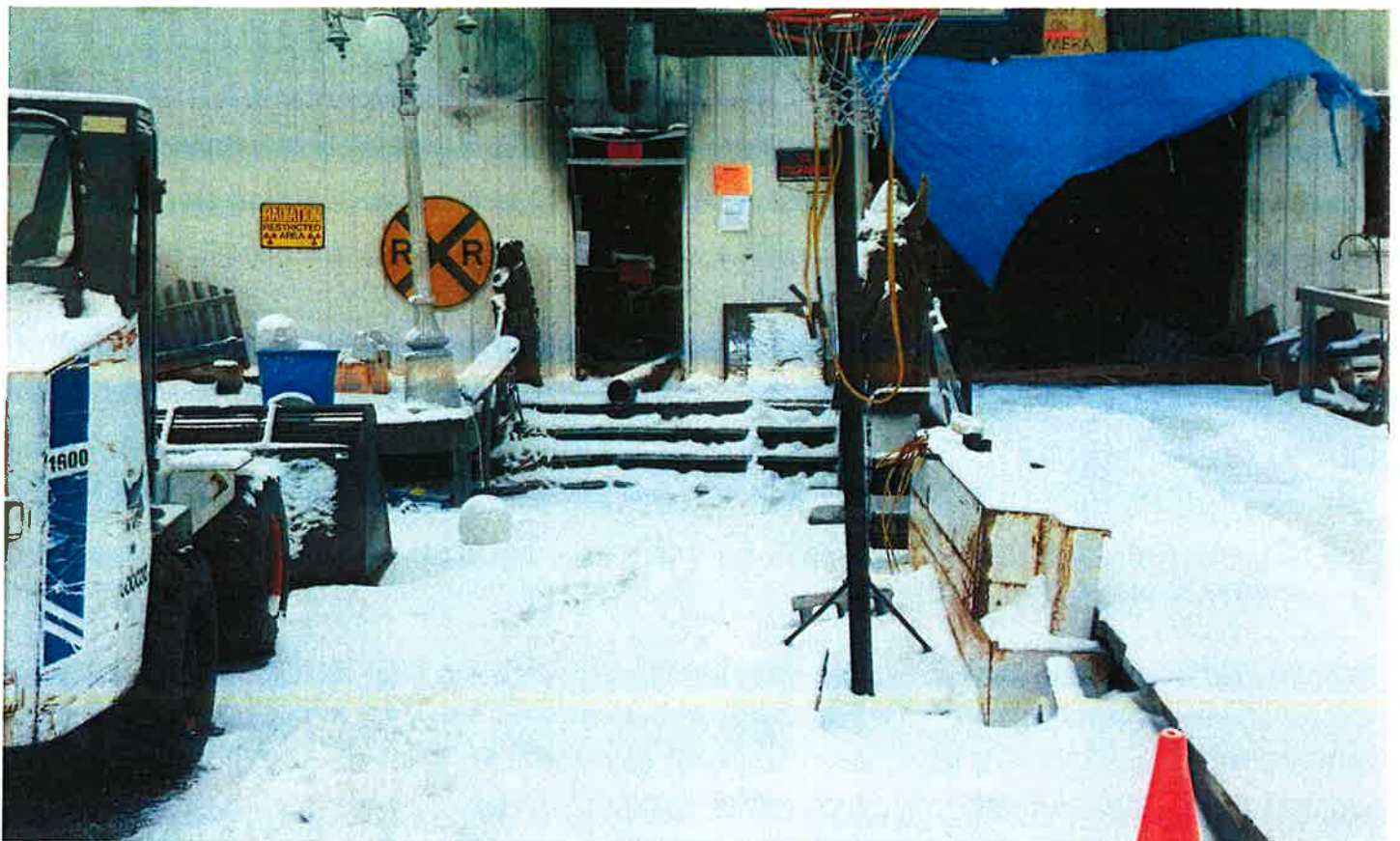


1418 1 Avenue N - 12/15/2020



1418 1 Avenue N - 12/29/2020





1418 1 Avenue N - 12/29/2020





1418 1 Avenue N - 1/5/2021






1418 1 Avenue N - 1/5/2021

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**Memorandum**

DATE: January 5, 2021  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Bruce Taralson, Inspections Director  
SUBJECT: Dangerous Building Notice and Order at 1021 10 Street N., Fargo, ND



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The property owner of 1021 10 Street 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 was scheduled for December 28, 2020, but was rescheduled to January 11, 2021 due to a last-minute notification that the property was recently acquired by another entity during a sheriff's sale.

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 March 11, 2021. Please direct the appropriate staff to secure the removal of this building at that time.**





## Inspections Office

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

### **DANGEROUS BUILDING ORDER TO COMMISSION- Detail and Timeline regarding 1021 10 Street N., Fargo, ND.**

The hearing that was scheduled for December 28, 2020, has been rescheduled to January 11, 2021 and is required under Article 21-0405 for the purpose of allowing any interested parties the opportunity to comment, and to allow the Owner of the said property the opportunity to appear and show cause why the City of Fargo should not cause the removal of this building.

The Inspections Department is requesting that the City Commission deem this building as a Dangerous Building and order the demolition of the building due to the extent of damage found. This building meets 6 of the 10 criteria found in the ordinance which only one might be required. Our report on ordinance requirements is as follows:

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

In your packets, you will find the Dangerous Building Notice. Article 21-0404 requires the Inspections Department give a 30-day notice to the Owner of the property prior to any action by the City Commission or staff. Our timeline shows the building was placarded and the Dangerous Building order was posted on October 8, 2019.

Also in your packets, you will find copies of the photos taken of the property as well as a copy of the letter of determination of value from the Assessor's office, dated September 23, 2020. Article 21-0402 stipulates that if costs to repair the building exceed 50% or more of the current value, the building can be ordered demolished or repaired. We have taken the path of demolition due to the amount of repair the building requires to be habitable.



**PROPERTY INFORMATION-** Building is currently vacant and is uninhabitable due to condition and current Inspections order. Deterioration is extensive. Building constructed in 1903.

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

**Description of damage:**

- Exterior rubbish and volunteer growth.
- Rear stairs were built without a permit and do not meet current code.
- Chimney is crumbling.
- Windows have been boarded up and doors have been secured by contractor.
- Interior water damage.
- Significant roof deterioration.
- Signs of squatters.
- Basement pier is leaning.
- Concrete and wood exterior steps are deteriorated.
- Concrete block foundation is buckling.

**Timeline of events:**

**1999-2012:** Multiple failed rental housing inspections.

**8/14/2008:** Junked vehicle removal notice.

**9/4/2008:** Junked vehicle removal notice.

**10/5/2011:** Inspections received complaint of people living in house without water.

**5/15/2017:** Permit issued to Owner to demolish interior – filed as incomplete.

**7/25/2018:** Permit issued to Owner to demolish interior – filed as incomplete.

**8/1/2019:** Inspections received complaint regarding condition of property.

**10/8/2019:** Dangerous Building Notice was posted on structure and mailed to Owner by registered mail.

**9/23/2020:** Deputy Assessor, James Haley, inspected interior and determined that the cost to cure the deterioration of the building exceeds 50% of the most recent certified True & Full Improvement Value.

**10/05/2020:** Structure was secured by contractor. Junk was removed from yard.

**12/10/2020:** Inspections requested Dangerous Building *Order to Show Cause* Hearing to be scheduled for December 28, 2020.

**12/15/2020:** Notice of Hearing posted on building and mailed to Owner via registered mail.

**12/21/2020:** As per Water Department, no water use since October of 2011.

**12/22/2020:** As per Xcel Energy, electricity has not been used since 2012.

**12/28/2020:** Dangerous Building Hearing – *Cancelled*

**1/11/2021:** Dangerous Building Hearing

**01/26/2021:** Anticipated issuance of *Findings of Fact* document.

**02/10/2021:** Deadline to appeal to District Court.

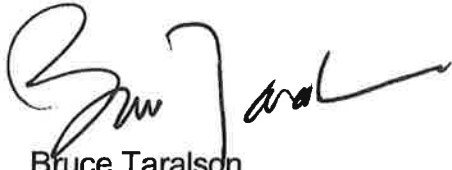
**03/11/2021:** Deadline for Owner to demolish or City of Fargo to proceed with action on City Commission's recommendation to demolish.

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

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

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

Respectfully re-submitted,  
Dated this 5<sup>th</sup> day of January, 2021.

A handwritten signature in black ink, appearing to read 'Bruce Taralson', written over a horizontal line.

Bruce Taralson  
Inspections Director

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



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

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**Updated Date: January 5, 2021**  
**Original Notice Date: December 15, 2020**

**Location: 1021 10 Street N., Fargo, ND 58102**  
**Property Owner: Jesse & Ivette Lugo**  
**Address of Property Owner: 109 3 Avenue W., West Fargo, ND 58078-1709**

**Inspector: Bill Thompson**  
**Original Posting Date: December 15, 2020**  
**Updated Posting Date: January 5, 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 public hearing regarding the dangerous building located at 1021 10 Street N., Fargo, ND was scheduled for Monday, December 28, 2020 at 5:00PM. Due to a last-minute notification that the building was recently acquired by another entity, the public hearing has been rescheduled to Monday, January 11, 2021 at 5:00PM. The hearing will take place in the City Commission Chambers, located at 225 4<sup>th</sup> Street N., Fargo, ND 58102.

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

Dated on this 5<sup>th</sup> day of January, 2021.

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

Building Inspector

  
\_\_\_\_\_  
Bruce Taralson  
Inspections Director



**AFFIDAVIT OF SERVICE**

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


**Re: Posting of Notice of *Dangerous Building Hearing – Order to Show Cause*  
1021 10 Street N., Fargo, ND**

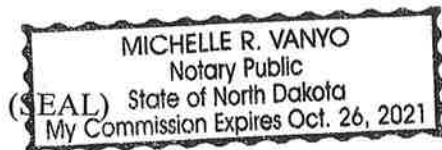
Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 5<sup>th</sup> day of January 2021, he posted the attached notice upon the following address:

1021 10 Street N.  
Fargo, ND 58102

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

Subscribed and sworn to before me this 5<sup>th</sup> day of January, 2021.

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



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

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

**Post Secure**

**THIS IS NOT A NOTICE OF EVICTION, RENTAL OR SALE.**

The property inspector has temporarily secured and maintained this property to protect it against future deterioration.

To secure and further preserve and maintain the property:

- Door locks may be replaced and doors may be boarded to protect the property.
- One door lock will be left unchanged, when possible, to allow the property owner or any former occupant access to this property.
- The plumbing system may also have been winterized to prevent damage during freezing temperatures.

If this property is unsecured, has been vandalized or if you have concerns about the condition of this property, please call the toll free number shown below.

Please be prepared to provide your name and contact information, full property address with unit number, work order/inspection number, Contractor Unique ID, along with the reason for your call.

The phone number below is for property maintenance concerns or inquiries only.

**1-877-617-5274**

Please call 911 immediately in the event of any life-threatening emergency at this property.

WF1913

**ESTO NO CONSTITUYE UN AVISO DE DESALOJO, ALQUILER O VENTA.**

El inspector de la propiedad realizó tareas de clausura y mantenimiento transitorias en esta propiedad para evitar que se deteriore en el futuro.

Para clausurar, conservar y mantener aun más la propiedad:

- Se podrían cambiar las cerraduras y cerrar las puertas con tablas para proteger la propiedad.
- Cuando sea posible, se dejara una cerradura sin cambiar, para que el dueño de la propiedad o cualquier ocupante anterior puedan acceder a ella.
- Además, es posible que se haya acondicionado el sistema de plomería para el invierno, a fin de evitar daños durante las temperaturas bajo cero.

Si esta propiedad no se encuentra clausurada, ha sufrido actos de vandalismo o si usted tiene inquietudes con respecto al estado de esta propiedad, llame al número de teléfono gratuito que se indica a continuación.

Deberá proporcionar su nombre e información de contacto, la dirección completa de la propiedad con el número de unidad, el número de orden de trabajo/inspección y la identificación única del contratista, junto con el motivo de su llamada.

El número de teléfono que se indica a continuación es únicamente para inquietudes o consultas relacionadas con el mantenimiento de la propiedad.

**1-877-617-5274 (en inglés)**

Llame al 911 de inmediato en caso de una emergencia con riesgo de vida en esta propiedad.

Date: 11-19-2020

Work order/Inspection number: 317158242

Contractor Unique ID: ZSCLPP

Contractor/Company Name: Zsquared Living

Property Address: 1021 10th St N Frgt Property Registration Number: NO

SHW10-001

**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**

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**Date: December 15, 2020**

**Location: 1021 10 Street N., Fargo, ND 58102**

**Property Owner: Jesse & Ivette Lugo**

**Address of Property Owner: 109 3 Avenue W., West Fargo, ND 58078-1709**

**Inspector: Bill Thompson**

**Date of Posting: December 15, 2020**

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

The board of city commissioners shall:

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

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



A public hearing regarding the dangerous building located at 1021 10 Street N., Fargo, ND has been scheduled for Monday, December 28, 2020 at 5:00PM. The hearing will take place in the City Commission Chambers, located at 225 4<sup>th</sup> Street N., Fargo, ND 58102.

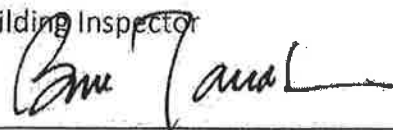
Any interested person or party is encouraged to attend, and any interested party will be given a chance to speak during the meeting. Please be aware that due to the Covid-19 pandemic, there are restrictions to the number of attendees allowed into the meeting space. Please arrive early to ensure a seat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

Dated on this 15<sup>th</sup> day of December, 2020.

A handwritten signature in black ink, appearing to read "Bill Thompson", written over a horizontal line.

Bill Thompson

Building Inspector

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

Bruce Taralson

Inspections Director

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: Notice of Order to Show Cause (OTSC) Hearing regarding the  
Dangerous Building at 1021 10 Street N., Fargo, ND  
CM Receipt#: 92750901193562000025838045**

Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 15<sup>th</sup> day of December, 2020, she served the attached notice, upon Jesse & Ivette Lugo, by placing true and correct copies thereof in an envelope addressed as follows:

Jesse & Ivette Lugo  
109 3 Ave W  
West Fargo, ND 58078-1709

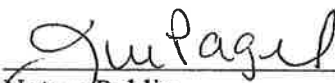
and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail.

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

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 2020.



(SEAL)

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

**AFFIDAVIT OF SERVICE**

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

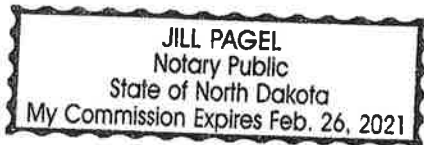
**Re: Posting of Notice of Dangerous Building Hearing – Order to Show Cause**

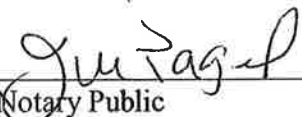
Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 15<sup>th</sup> day of December 2020, he posted the attached notice upon the following address:

1021 10 Street N  
Fargo, ND 58102

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

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 2020.



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

(SEAL)



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

**MEMORANDUM:**

DATE: 09/23/2020  
TO: Bruce Taralson, Inspections Administrator  
FROM: James Haley, Deputy Assessor  
SUBJECT: 1021 10 St N

On September 23, 2020, I viewed photographs and reviewed inspection documents of 1021 10 St N dated 09/22/2020.

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.



# Fargo Inspections

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



## NOTICE OF DANGEROUS BUILDING

TO: Jesse & Ivette Lugo  
109 3 Avenue West  
West Fargo, ND 58078

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 1021 10 St N, and is located on that tract of land in the city of Fargo, more particularly described as follows:

Chapins, Block 13, S 55 FT OF E

(hereinafter referred to as "the building")

3. That an inspection was made of the building on October 4, 2019 by Steve Eickhoff, Building Inspector of the City of Fargo.

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

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

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

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

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

9 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, 2015 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 8<sup>th</sup> day of October, 2019.

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

Dated this 8 day of October, 2019.

Conditions Found Statement

On , Building Inspector Steve Eickhoff, was present at 1021 10 St N, Fargo, ND to address investigating a complaint. The following violations were found:

- Some house windows are boarded up.
- Some house windows are broken.
- Doors are not secured.
- Rear stairs were built without a permit and do not meet current code.
- Construction materials in rear yard are unkempt and deteriorating.



Steve Eickhoff  
Building Inspector  
City of Fargo, ND

October 8<sup>th</sup> 2019  
Date Signed



Bruce Taralson  
Inspections Administrator

10/9/19  
Date Signed



**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: Notice of Dangerous Building**  
**CM Receipt#: 7018 3090 0000 3038 3700**

Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 8th day of October, 2019, she served the attached *Notice of Dangerous Building*, upon Jesse & Ivette Lugo, by placing true and correct copies thereof in an envelope addressed as follows:

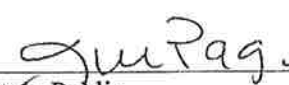
Jesse & Ivette Lugo  
109 3 Avenue West  
West Fargo, ND 58078

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 8th day of October, 2019.



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

(SEAL)


**AFFIDAVIT OF SERVICE**

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

**Re: Posting of Notice of Dangerous Building**

Steve Eickhoff, being first duly sworn and being of legal age, deposes and says that on the 8<sup>th</sup> day of October 2019, he posted the attached *Notice of Dangerous Building*, upon the following address:

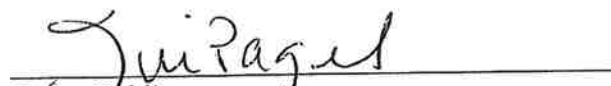
1021 10 Street North  
Fargo, ND 58102

  
Steve Eickhoff

Subscribed and sworn to before me this 8th day of October, 2019.



(SEAL)

  
Notary Public  
Cass County, North Dakota





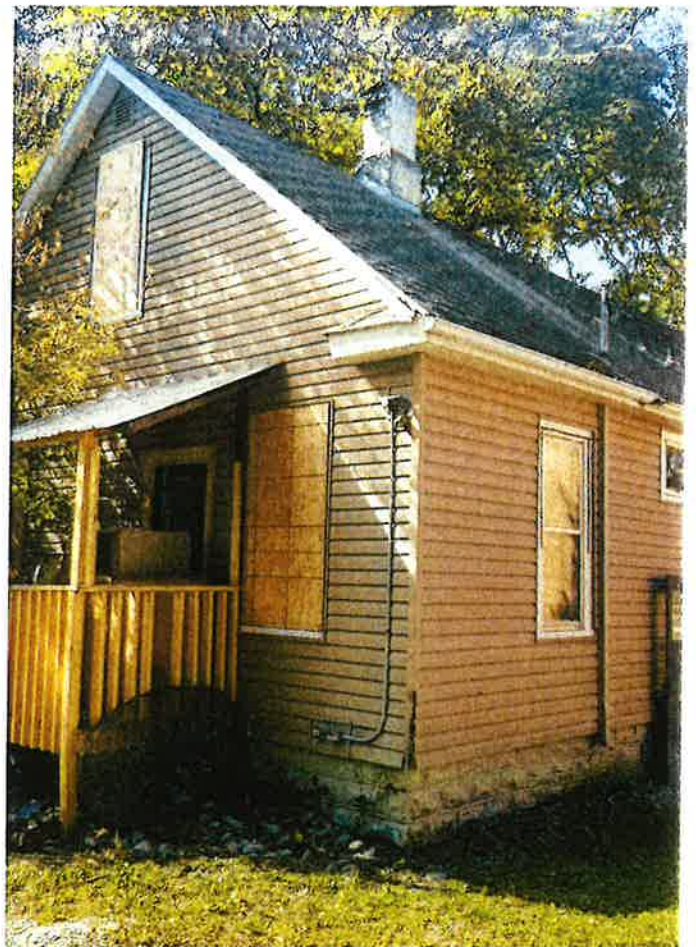
10/8/2019





9/21/2020





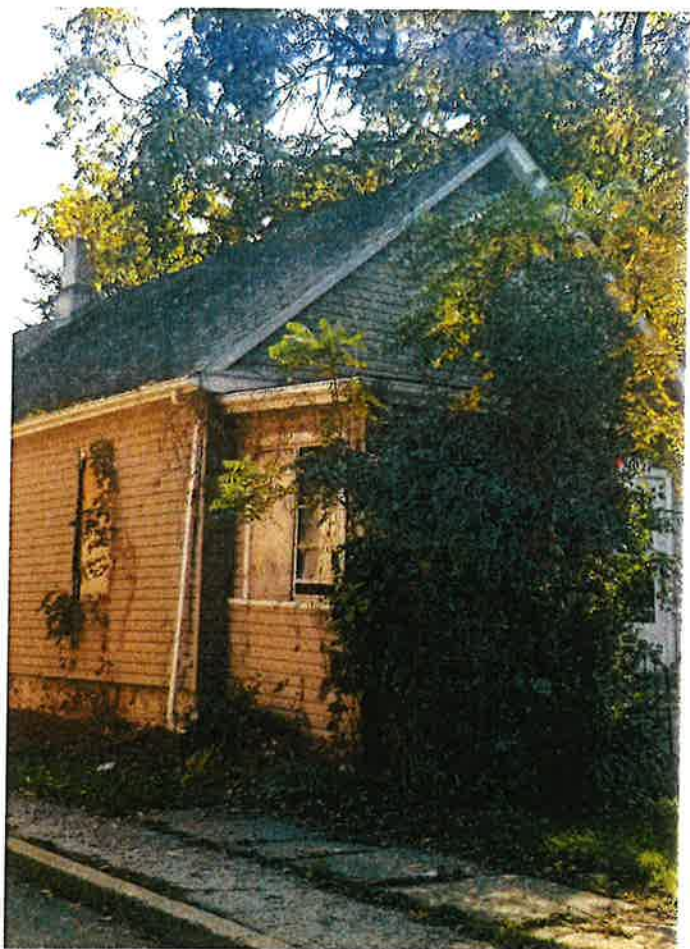
9/21/2020: 11:56:00 AM



9/21/2020: 11:56:25 AM

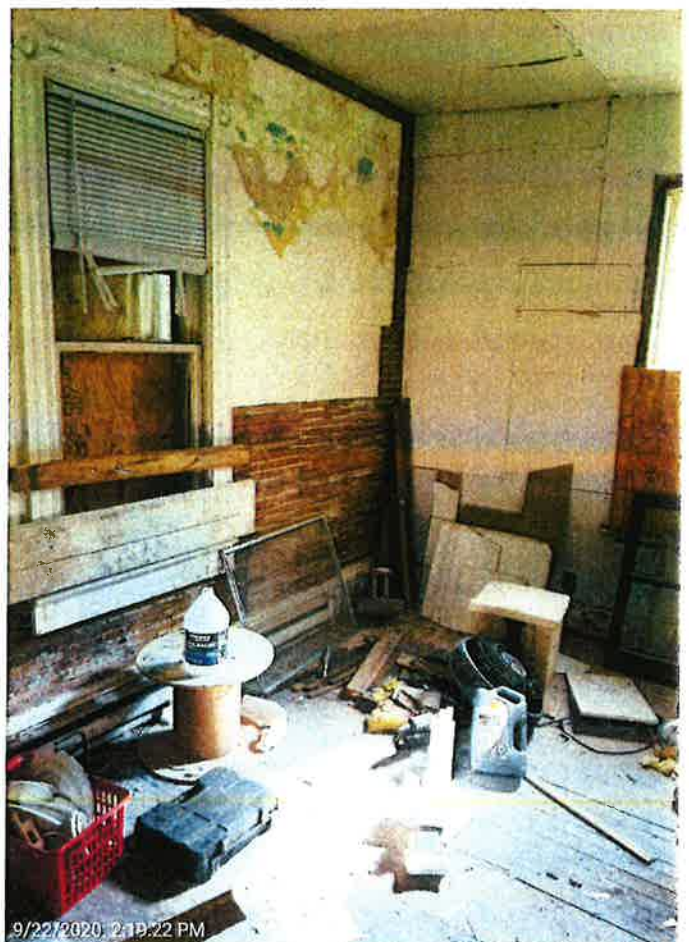
9/21/2020





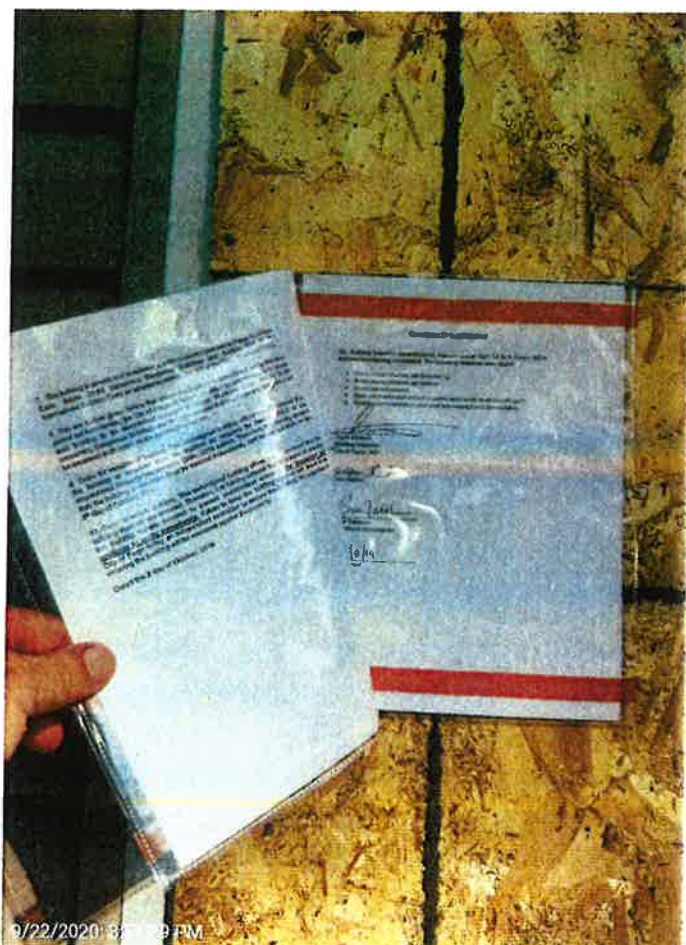
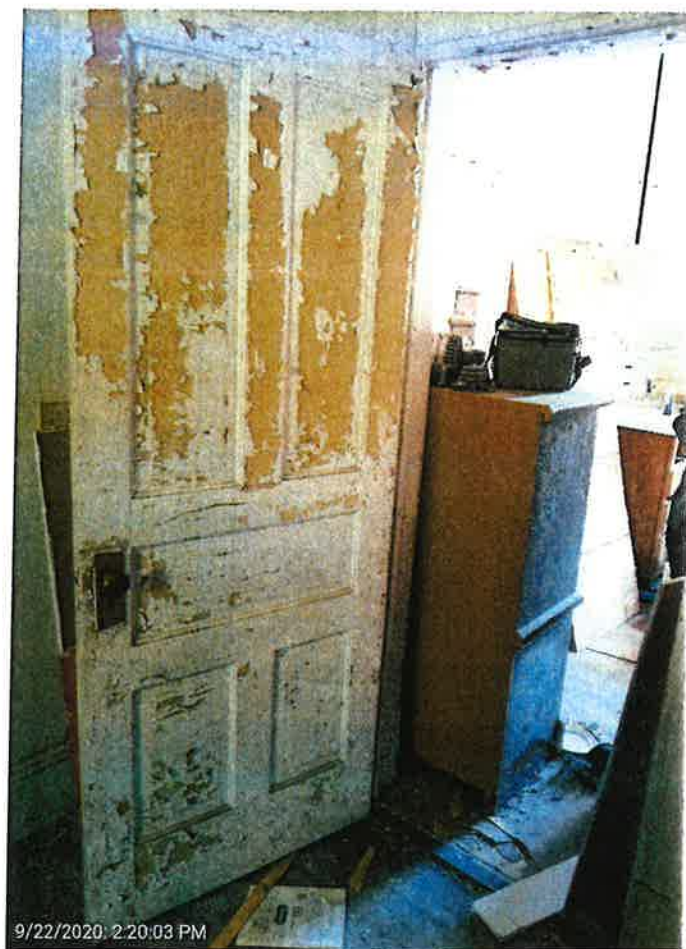
9/21/2020





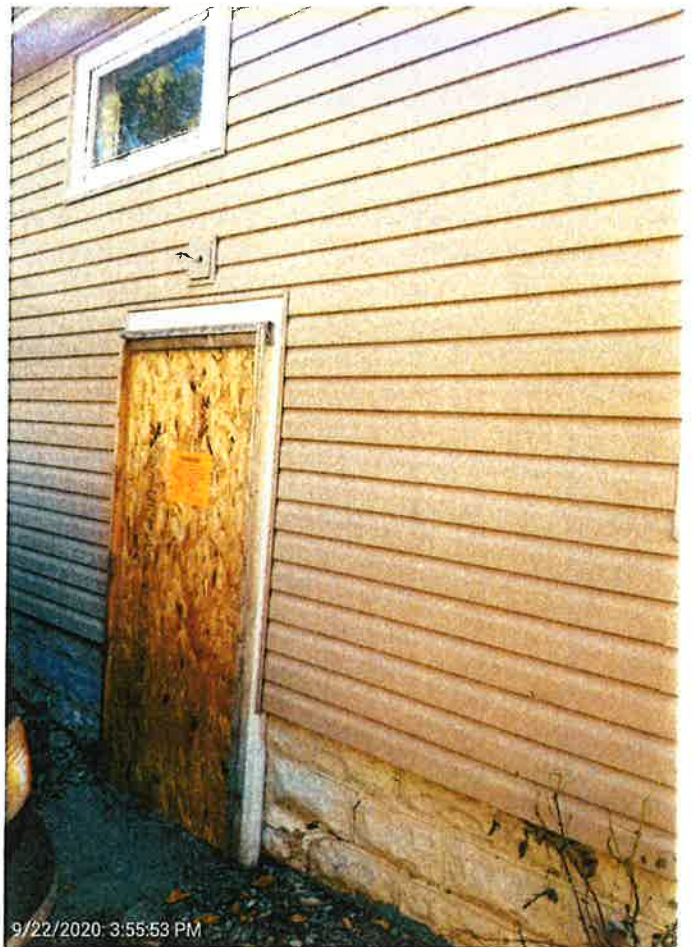
9/22/2020





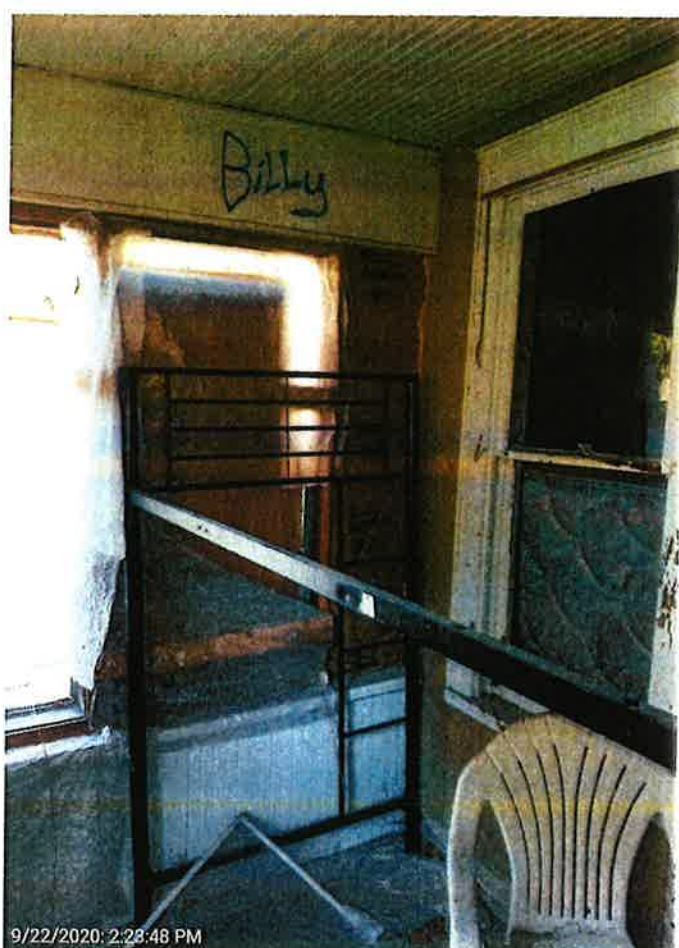
9/22/2020





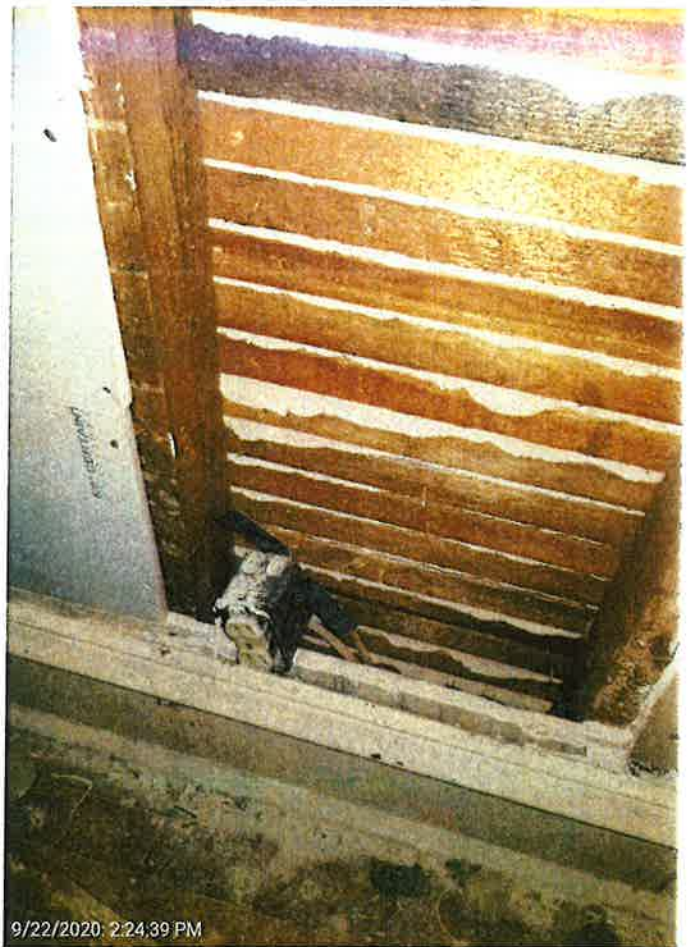
9/22/2020





9/22/2020





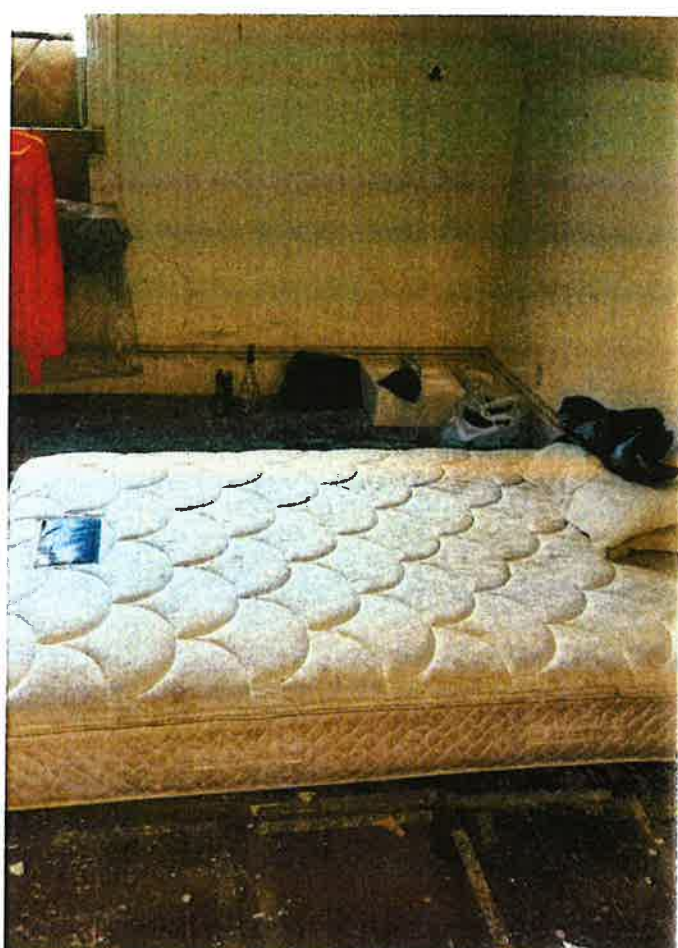
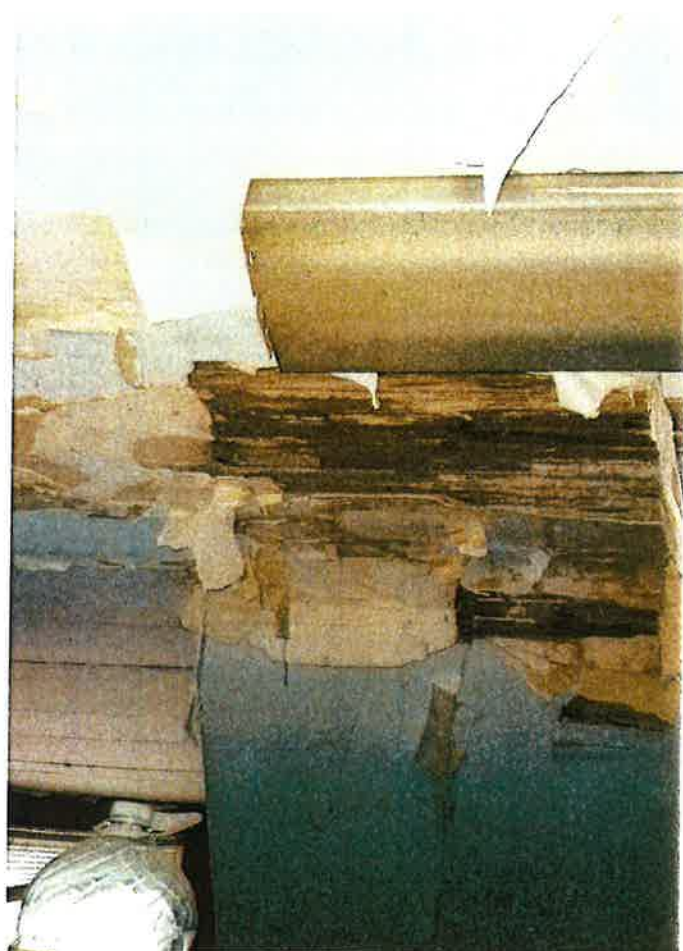
9/22/2020





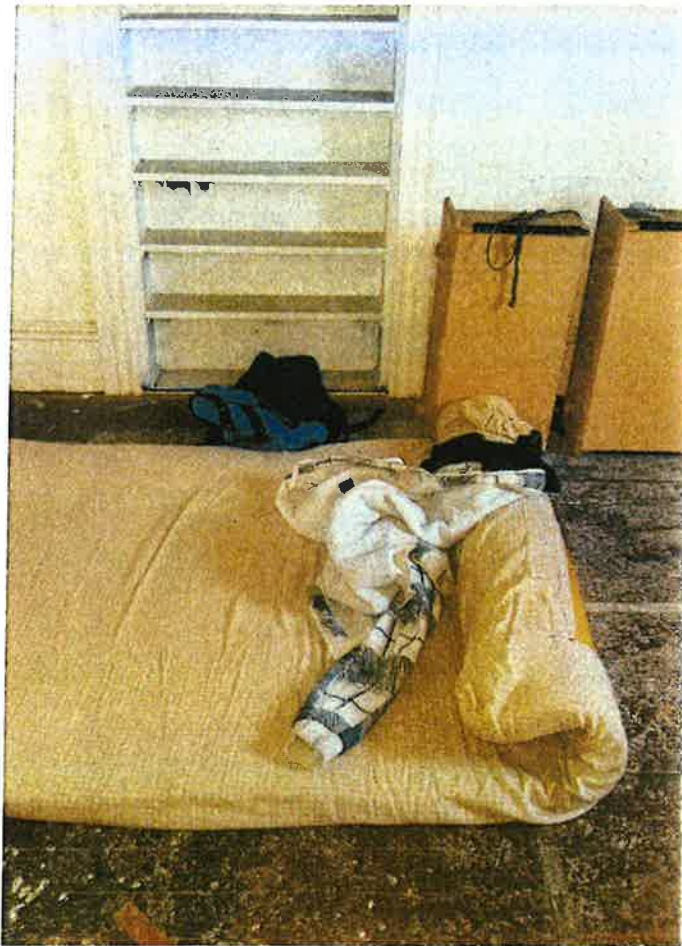
9/22/2020





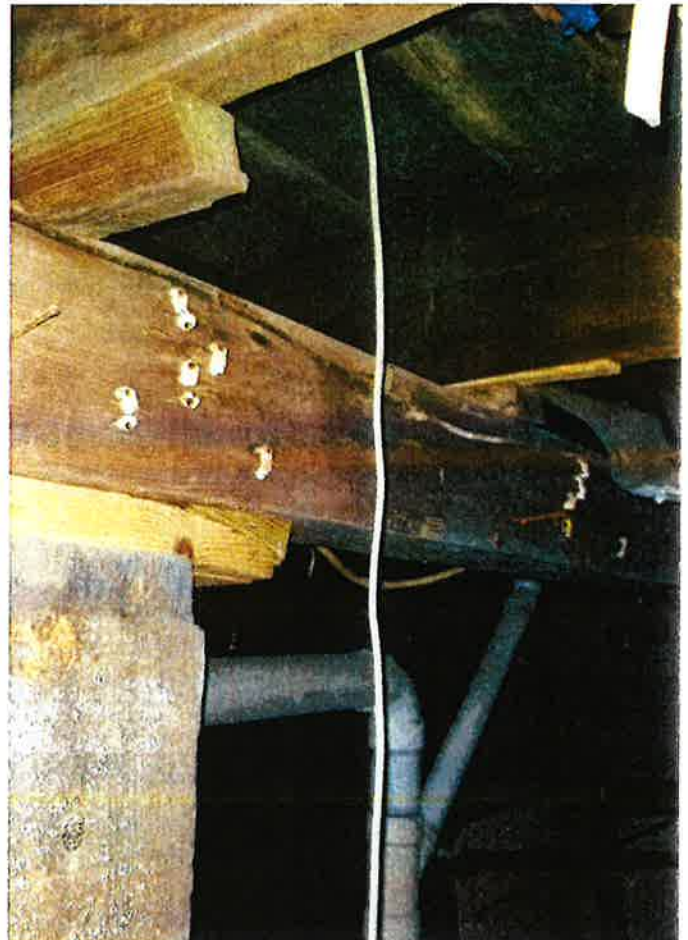
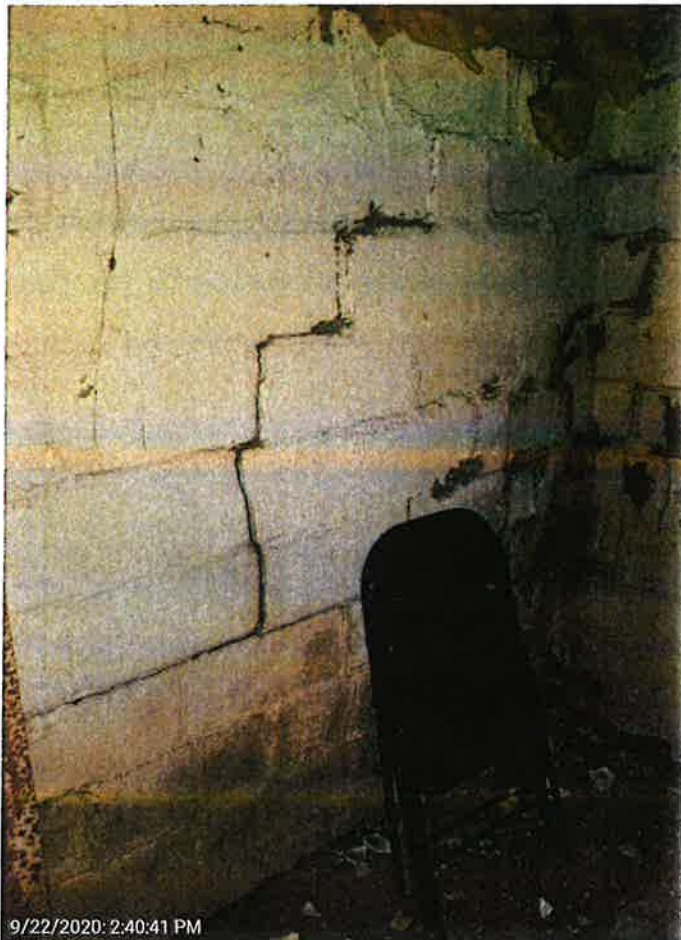
9/22/2020





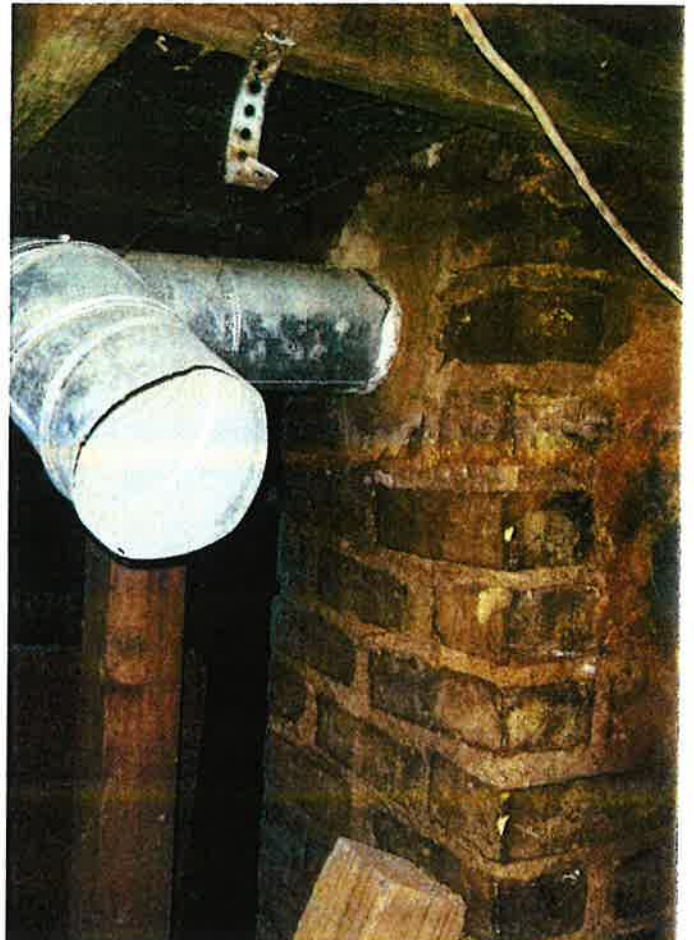
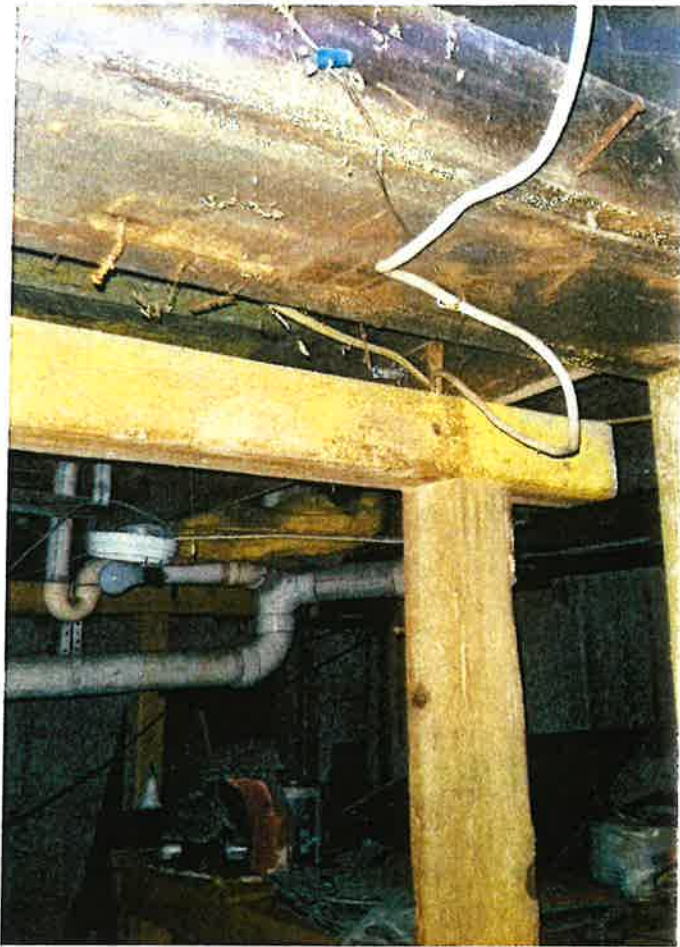
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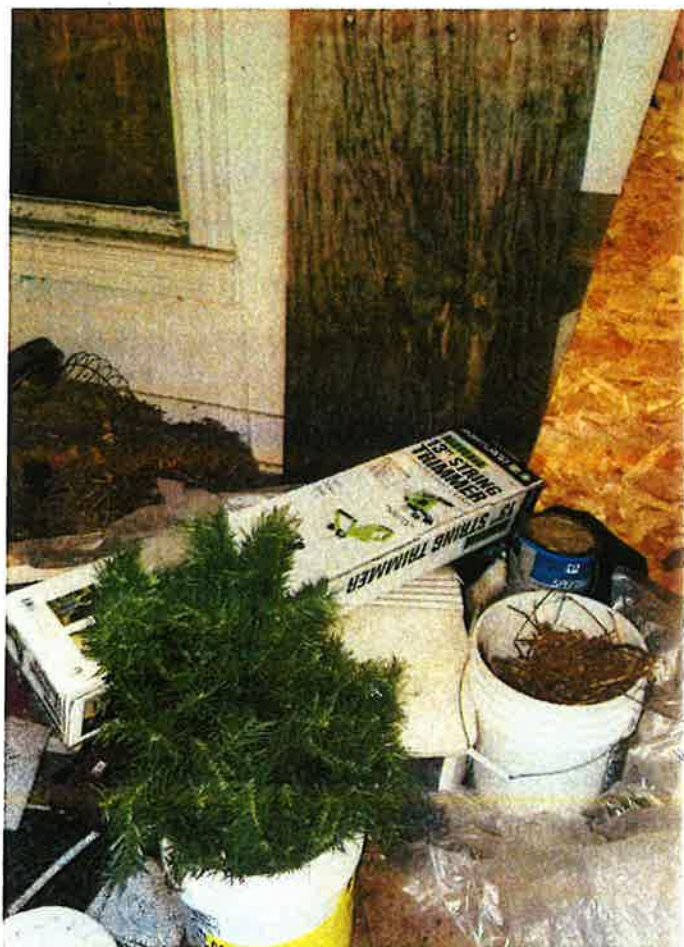
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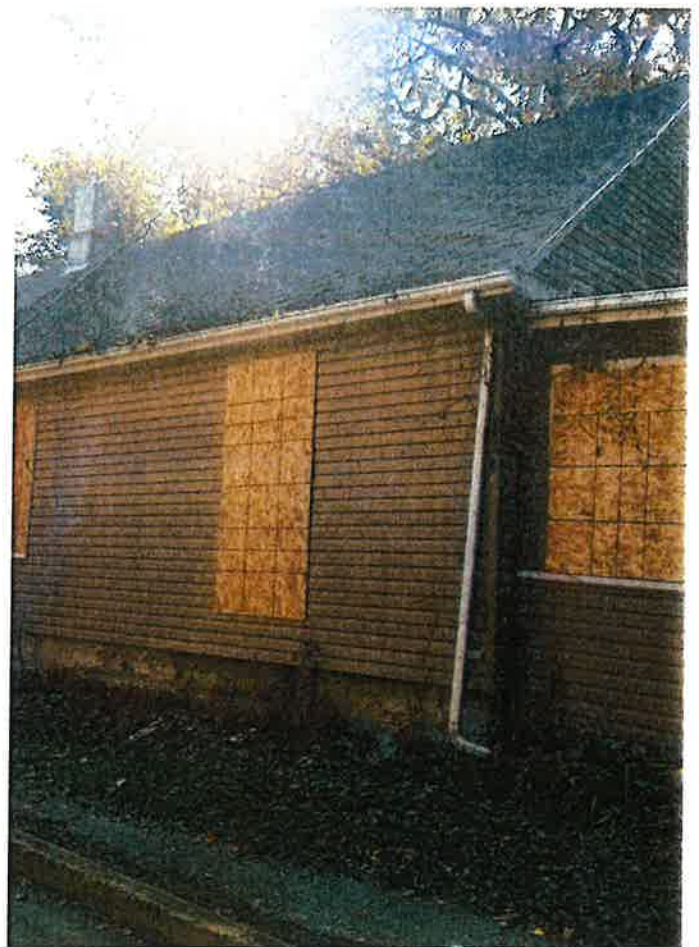
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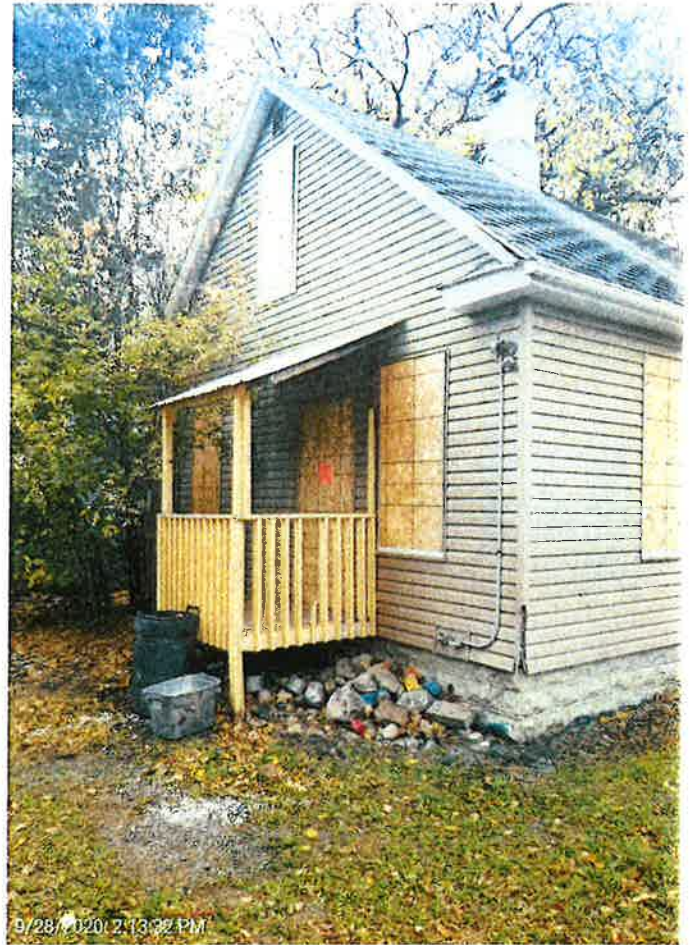
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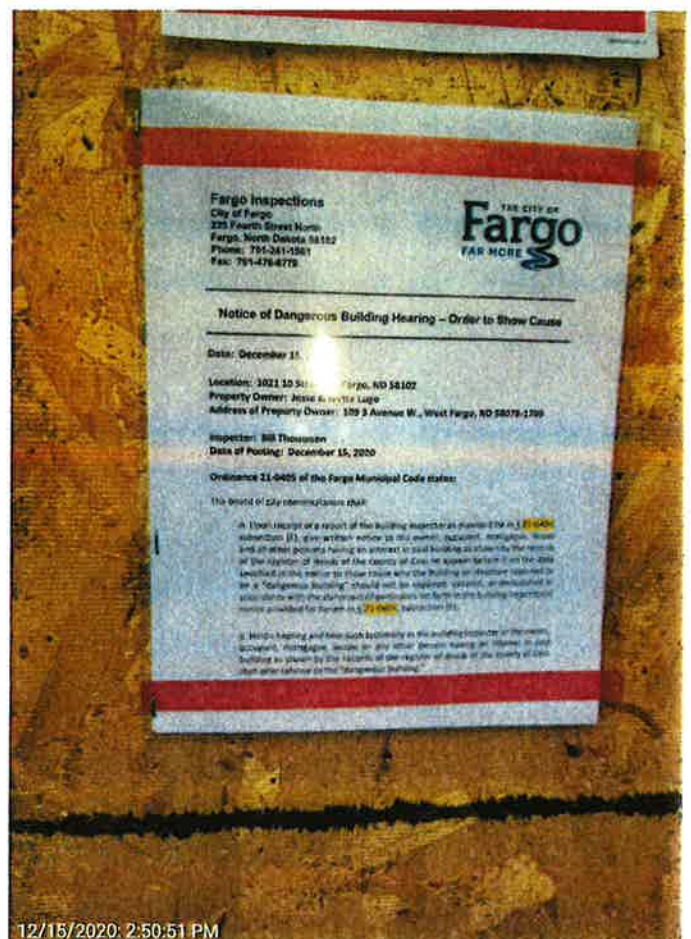
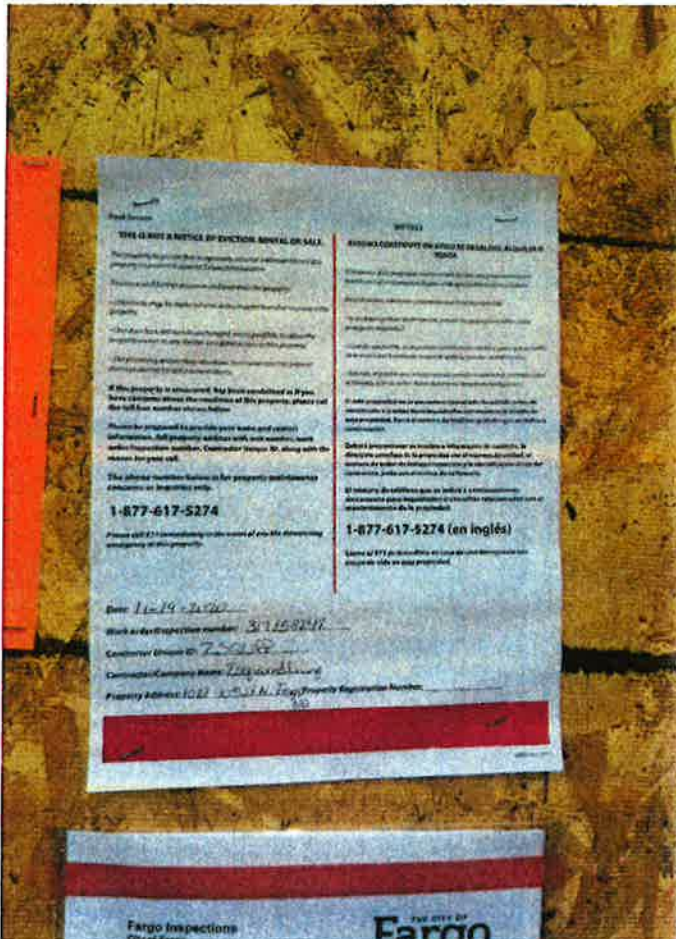


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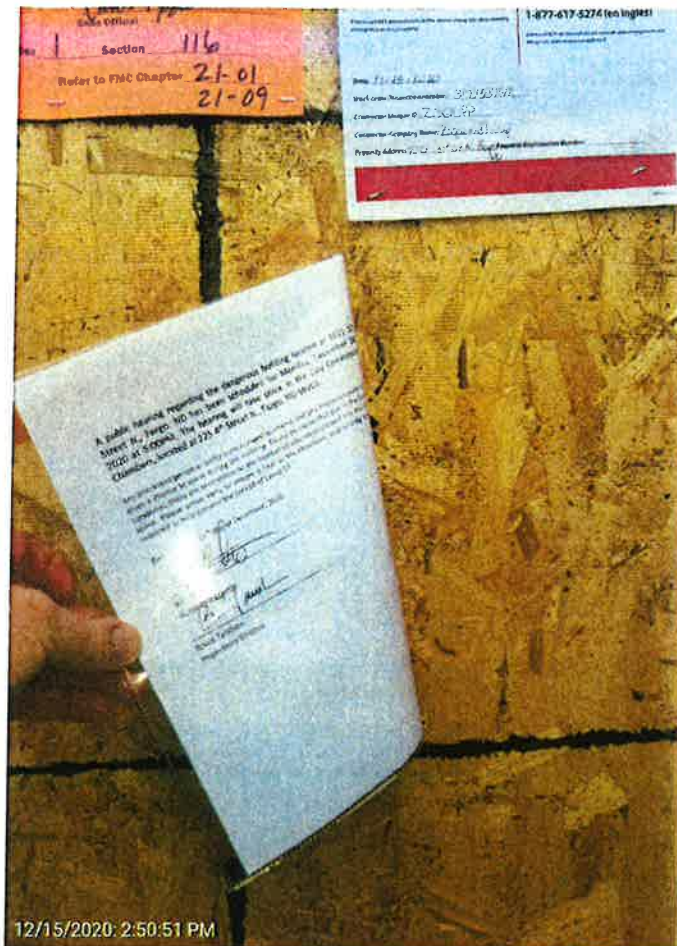


10/13/2020



12/15/2020





12/15/2020

(21d)

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	<b>Huynh Kha Addition</b>	<b>Date:</b>	11/23/2020
		<b>Update:</b>	1/7/2021
<b>/Location:</b>	1425 Main Avenue	<b>Staff Contact:</b>	Maegin Elshaug
<b>Legal Description:</b>	Part of the Northeast Quarter of Section 12, Township 139 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	Huynh Kha Property, LLC / Dovetail Development, LLC	<b>Engineer:</b>	Mead & Hunt
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (Plat of a part of the Northeast Quarter of Section 12, Township 139 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	City Commission Public Hearing: January 11, 2021		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Vacant (previously Warehouse)	<b>Land Use:</b> Retail Sales & Service
<b>Zoning:</b> GC, General Commercial	<b>Zoning:</b> unchanged
<b>Uses Allowed:</b> GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.	<b>Uses Allowed:</b> unchanged
<b>Maximum Lot Coverage Allowed: 85% building coverage</b>	<b>Maximum Lot Coverage Allowed:</b> unchanged

<b>Proposal:</b>
<p>The applicant is requesting a major subdivision entitled <b>Huynh Kha Addition</b>, a one block, one lot subdivision, which is a plat of part of the Northeast Quarter of Section 12, Township 139 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. The subject property is located at 1425 Main Avenue and encompasses approximately 1.3 acres. The plat is necessary in order to obtain building permits for future development of a grocery store.</p> <p>The North Dakota Department of Transportation (NDDOT) has programmed federal highway dollars for a 2023 Main Avenue construction project, between University Drive and 25<sup>th</sup> Street. It is anticipated that the NDDOT will begin project development in 2021. The Engineering Department has noted that there is no approved corridor study for this portion of Main Avenue currently, but have projected the needs as best as possible for right-of-way and have requested 5' of dedication adjacent along the property frontage.</p> <p>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.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: Burlington Northern Santa Fe Railroad;</li> <li>• East: LI, Limited Industrial with commercial uses;</li> <li>• South: Across Main Avenue is LI, Limited Industrial with commercial and industrial uses;</li> </ul>



- West: GC, General Commercial with commercial use.

#### Area Plans:

The subject property is not included in a growth plan or neighborhood land use plan.

#### Context:

**Neighborhood:** Madison

**Schools:** The subject property is located within the Fargo School District, specifically the Roosevelt Elementary, Ben Franklin Middle, and North High schools.

**Parks:** No parks are located within a quarter-mile of the subject property.

**Pedestrian / Bicycle:** There are no on-road or off-road bicycle facilities adjacent to the subject property.

#### Staff Analysis:

##### Subdivision

The LDC stipulates that the following criteria is met before a major plat can be approved:

1. **Section 20-0907(C)(1)(Development Review Procedures – Subdivisions – Major Subdivision) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**  
The subject property is not located within an area plan or neighborhood plan. The property is zoned GC, General Commercial, which will accommodate the proposed development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received two calls of inquiry with no noted comments or concerns. **(Criteria Satisfied)**
2. **Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**  
The subject property is not located within an area plan or neighborhood plan. The property is zoned GC, General Commercial, which will accommodate the proposed development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received two calls of inquiry with no noted comments or concerns. **(Criteria Satisfied)**
3. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**  
The City's standard policy is that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

#### Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to approve the proposed plat **Huynh Kha Addition** subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, and Section 20-0907.C(1-4) of the LDC and all

other applicable requirements of the LDC.”

**Planning Commission Recommendation: December 1, 2020**

On December 1, 2020, by a vote of 8-1 with 2 Commission seats vacant, the Planning Commission voted to accept the findings and recommendations of staff and moved to recommend approval to the City Commission the proposed **Huynh Kha Addition** subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, and Section 20-0907.C(1-4) of the LDC and all other applicable requirements of the LDC.

**Attachments:**

1. Zoning Map
2. Location Map
3. Preliminary Plat



# Plat (Major)

## Huynh Kha Addition





# Plat (Major)

## Huynh Kha Addition

1425 Main Ave





HUYNH KHA ADDITION

A PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MAJOR SUBDIVISION)

PLAT BOUNDARY DESCRIPTION:

That part of the Northeast Quarter of Section Twelve, Township One Hundred Thirty nine North of Range Forty-nine West of the Fifth Principal Meridian, located in the City of Fargo, County of Cass and the State of North Dakota, described as follows: Commencing at the Northeast corner of said Section Twelve, Section South 02°11'44" East (assumed bearing), along the Eastern line of the Northeast Quarter of said Section Twelve, for a distance of 133.91 feet to a point of Beginning, thence southeasterly South 87°11'13" West, along the Northerly Right-of-Way line of said Main Avenue, for a distance of 74.52 feet to the True of 155.52 feet, thence South 02°22'27" West for a distance of 92.26 feet to the true point of Beginning.

Description taken from Warranty Deed Document Number 1574763 dated 10/21/2015.

Said plat contains 56,525 square feet, more or less.

Subject to Easements, Reservations, and Rights of Way of Record.

OWNER'S DECLARATION:

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of HUYNH KHA ADDITION to the City of Fargo, a part of the Northeast Quarter of Section 12, Township 139 North, Range 49 West, Cass County, North Dakota, and that the same is not subject to any other claim or interest of any person other than ourselves.

We hereby declare that the plat of HUYNH KHA ADDITION to the City of Fargo, a part of the Northeast Quarter of Section 12, Township 139 North, Range 49 West, Cass County, North Dakota, is correct, and that the description as shown in the certificate of the Professional Land Surveyor is correct. We

Owner: Huynh Kha Property LLC

John Huynh, Owner

State of North Dakota }  
County of Cass }

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me, John Huynh, owner and Sarah Huynh, owner, known to me to be the persons whose names are subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of Huynh Kha Property LLC.

Notary Public: \_\_\_\_\_

Matthew Miller, Notary Public, N.A.

Andrew Hanson, Business Advisor

State of North Dakota }  
County of Cass }

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me, Andrew Hanson, Business Advisor known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same on behalf of Huynh Kha Property LLC.

Notary Public: \_\_\_\_\_

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Andrew J. Nielson, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the requirements for the guidance of future surveys have been located or shown in the ground as shown.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Andrew J. Nielson, Professional Land Surveyor No. 13,270-02

State of North Dakota }  
County of Cass }

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Andrew J. Nielson, Professional Land Surveyor known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free and sole deed.

Notary Public: \_\_\_\_\_

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Brenda E. Darrig, P.E., City Engineer

State of North Dakota }  
County of Cass }

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Brenda E. Darrig, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as her free and sole deed.

Notary Public: \_\_\_\_\_

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

John Duckert, Chair

State of North Dakota }  
County of Cass }

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared John Duckert, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public: \_\_\_\_\_

FARGO CITY COMMISSION APPROVAL:

Approved by the Fargo City Commission and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Timothy J. Mahoney, Mayor

State of North Dakota }  
County of Cass }

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo and Bruce Grogan, City Auditor, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

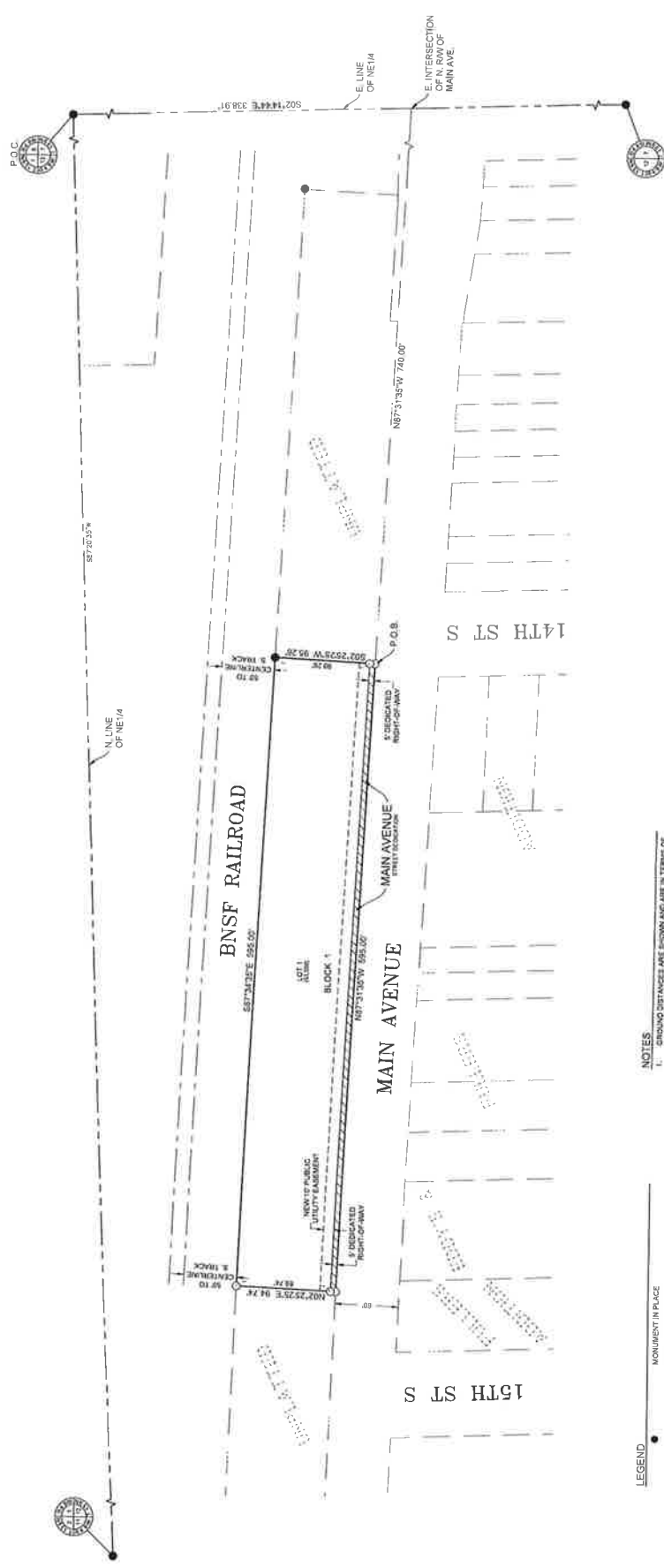
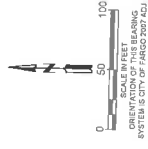
Notary Public: \_\_\_\_\_

PRELIMINARY

Mead & Hunt  
Phone 701-566-6450  
mead@mh.com  
PROJECT NO. 2009700-007-450.01  
SHEET 11 OF 2

# HUYNH KHA ADDITION

A PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MAJOR SUBDIVISION)



**NOTES**  
1. ALL DIMENSIONS ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.

LEGEND	MONUMENT IN PLACE
●	SET MONUMENT (SIT' REBAR CAPPED PL-27291)
○	EXISTING CENTERLINE RAILROAD TRACK
---	EXISTING PROPERTY LINE
---	EXISTING EASEMENT LINE
---	NEW LOT LINE
---	PLAT BOUNDARY
---	NEW EASEMENT LINE
	DEDICATED RIGHT-OF-WAY

**Mead & Hunt**  
mead-hunt.com  
Phone: 701-566-6450

PROJECT NO.  
4289700-201450.01  
SHEET 2 OF 2

PRELIMINARY



21e

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Arcadia Park View Addition	<b>Date:</b>	11/24/2020
		<b>Updated:</b>	1/7/2021
<b>Location:</b>	18 and 20 8 <sup>th</sup> Avenue North	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description</b>	Lot 8 and portions of Lots 9 and 10, Block 6 Truesdell's Addition		
<b>Owner(s)/Applicant:</b>	Arcadia Park View, LLC/Larry Carcoana	<b>Engineer:</b>	Bolton & Menk
<b>Entitlements Requested:</b>	<b>Zone Change</b> (from SR-3, Single Dwelling Residential to SR-4, Single Dwelling Residential) <b>Minor Subdivision</b> (Replat of Lot 8 and portions of Lots 9 and 10, Block 6 Truesdell's Addition to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	City Commission Public Hearing: January 11, 2021		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Single-dwelling residential	<b>Land Use:</b> Single-dwelling residential and duplex
<b>Zoning:</b> SR-3, Single Dwelling Residential	<b>Zoning:</b> SR-4, Single Dwelling Residential
<b>Uses Allowed:</b> SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities'	<b>Uses Allowed:</b> SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
<b>Maximum Density</b> 8.7 dwelling units per acre	<b>Maximum Lot Coverage</b> 12.1 dwelling units per acre

<b>Proposal:</b>
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A zoning change from SR-3, Single Dwelling Residential to SR-4, Single Dwelling Residential.</li> <li>2. Minor subdivision, to be known as Arcadia Park View Addition, a replat of Lot 8 and portions of Lots 9 and 10, Block 6 Truesdell's Addition to the City of Fargo, Cass County, North Dakota.</li> </ol> <p>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.</p> <p><b>Surrounding Zoning Districts and Land Uses:</b></p> <ul style="list-style-type: none"> <li>• North: SR-4, with duplexes</li> <li>• East: P/I, Public/Institutional with baseball diamonds</li> <li>• South: SR-3, with detached residences</li> <li>• West: SR-3, with detached residences</li> </ul> <p><b>Area Plans:</b></p> <p>The subject property is not included in a growth plan or neighborhood land use plan.</p> <p><b>Context:</b></p> <p><b>Schools:</b> The subject property is located within the Fargo School District and is served by Horace Mann/Roosevelt Elementary, Ben Franklin Middle and Fargo North High schools.</p> <p><b>Neighborhood:</b> The subject property is located within Horace Mann neighborhood.</p>

**Parks:** Mickelson Park and Softball Fields are east across Oak Street North from the subject property.

**Pedestrian / Bicycle:** There are no bicycle or pedestrian trails adjacent to the subject property. Trails are located east across Oak Street within Mickelson Park and connect to the metro area trail system.

**Staff Analysis:**

There are two properties included in this subdivision, addressed as 18 and 20 8<sup>th</sup> Avenue North. 18 8<sup>th</sup> Avenue is currently vacant. It was at one time the location of a single-family residence that was ordered to be demolished by the City of Fargo. 20 8<sup>th</sup> Avenue North is the location of a single-family residence and garage. This residence is currently a rental property.

The project proposes to combined these two lots into one, which will have a total area of 11,360 square feet (0.26 acre), and rezone the property from SR-3 to SR-4. With the SR-4 zoning, this lot will have sufficient area to build a duplex on the property in addition to the existing residence, for a total of three units on this property.

**Zoning**

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

**1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned SR-3. The property owner has requested a change to SR-4, which provides a density that will allow the proposed three dwelling units—one single-dwelling residence and one duplex—on the property. **(Criteria Satisfied)**

**2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The existing lots front on dedicated public streets. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received two inquiry phone calls about the project. As the subject property is within the Horace Mann neighborhood, that neighborhood organization was advised of the project. Staff has received no comment from that organization. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." Staff finds this proposal is consistent with the



purpose of the LDC, the applicable comprehensive plan, and other adopted policies of the City. **(Criteria satisfied)**

#### **SUBDIVISION**

The LDC stipulates that the following criteria are met before a minor plat can be approved:

- 1. Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The subject property is not located within an area plan or neighborhood plan. The proposed zoning, SR-4, allows the proposed single-family and duplex development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received two inquiry phone calls about the project. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

- 2. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

#### **Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve 1) the proposed zone change from SR-3, Single Dwelling Residential to SR-4, Single-Dwelling Residential and 2) plat of **Arcadia Park View Addition**, a minor subdivision, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC."

#### **Planning Commission Recommendation:** December 1, 2020

On December 1, 2020, by a vote of 9-0 with two Commission seats vacant, the Planning Commission moved to accept the findings and recommendations of staff and move to recommend approval to the City Commission of 1) the proposed zone change from SR-3, Single Dwelling Residential to SR-4, Single-Dwelling Residential and 2) plat of **Arcadia Park View Addition**, a minor subdivision, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC.

#### **Attachments:**

1. Zoning Map
2. Location Map
3. Preliminary Plat

# Zone Change (SR-3 to SR-4) & Plat (Minor)

## Arcadia Park View Addition

18 & 20 8th Ave N





# Zone Change (SR-3 to SR-4) & Plat (Minor)

## Arcadia Park View Addition

18 & 20 8th Ave N







OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

21e1

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING CERTAIN  
PARCELS OF LAND  
LYING IN THE PROPOSED ARCADIA PARK VIEW ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA

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

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on December 1, 2020; and,

WHEREAS, the rezoning changes were approved by the City Commission on January 11, 2021,

NOW, THEREFORE,

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

Section 1. The following described property:

All of Arcadia Park View Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "SR-3", Single-Dwelling Residential, District to "SR-4", Single-Residential, District.

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

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1  
2  
3 Section 3. This ordinance shall be in full force and effect from and after its passage and  
4 approval.  
5  
6

7 (SEAL)

8 Attest:  
9

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

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11 \_\_\_\_\_  
12 Steven Sprague, City Auditor  
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First Reading:  
Second Reading:  
Final Passage:



**MEMORANDUM**

**TO:** City Commission

**FROM:** Nicole Crutchfield, Planning Director *NC*

**DATE:** January 6, 2021

**RE:** Renaissance Zone Application for 311-F Craig Enclave OG, LLC located at 6 & 10 6th Avenue North; 505 & 509 Oak Street North

*(21f)*

The city received a Renaissance Zone (RZ) application from Craig Enclave OG, LLC to construct a new residential structure at 6 & 10 6th Avenue North; 505 & 509 Oak Street North. Pursuant to the application, the project proposes to construct a building with one floor of below grade parking, first floor parking and walk-out apartment units, with additional multi-family units on floors two through four (117 total multi-family units), and the top floor having 14 for-sale condominiums units. Attached is a copy of the staff report and corresponding materials.

As indicated in the attached documentation, the project meets all state and local requirements for approval and is consistent with a number of goals and objectives as established in the Fargo Renaissance Zone Development Plan. The application indicates an investment \$25,931,000 (\$120.21 per square foot), which exceeds the minimum investment threshold as set forth in the plan.

The request was reviewed by the Renaissance Zone Authority (RZA) on December 22, 2020. The RZA unanimously recommended approval of this project.

**Recommended Action:** Approve the Renaissance Zone rehabilitation application for Craig Enclave OG, LLC (6 & 10 6th Avenue North; 505 & 509 Oak Street North) and grant state income tax and property tax exemptions as recommended by the Renaissance Zone Authority.









**Renaissance Zone Staff Report for  
Craig Enclave OG, LLC (311-F)  
6 & 10 6<sup>th</sup> Avenue North; 505 & 509 Oak Street North**

**Project Evaluation:**

The City of Fargo received a Renaissance Zone application from Craig Enclave OG, LLC to construct a 5-story residential project at 6 & 10 6<sup>th</sup> Avenue North and 505 & 509 Oak Street North. Pursuant to the application, project proposes to construct a building with one floor of below grade parking, first floor parking and walk-out apartment units, with additional multi-family units on floors two through four (117 total multi-family units), and the top floor having 14 for-sale condominiums units.

The construction would begin spring of 2021 and the proposed timeframe of completion of Summer 2022.

The Planning Department has reviewed the application and has provided a project ranking based on the analysis below:

1. **Renaissance Zone Plan Goals:** Use consistent with the RZ Plan (as per Visions and Goals): As noted in the 2019 Renaissance Zone Development Plan. *(responses are from applicant for item 1)*
  - a. *Grow as a Neighborhood:* Invest in housing to increase the population living Downtown and maintain Downtown's diversity.  
The project will add 117 multi-family units and 14 for-sale condominiums to Downtown as well as the Oak Grove Neighborhood.
  - b. *Prosper as a Business Center:* Increase the number and types of jobs Downtown.  
The project will bring new home owners and residents that will live, work, and play Downtown to support the growing number of businesses and jobs that call Downtown home.
  - c. *Thrive as a Destination:* Create a unique Downtown experience with an activated riverfront and vibrant sidewalks and public spaces that serve as the backdrop of the community's social life.  
The project was artfully designed to fit within the context of the historic Oak Grove neighborhood and river scape setting. The property borders the Wildflower Grove Park offering convenient access to the riverwalk trails while overlooking downtown Fargo, the Hjemkomst Center, and the Red River.
  - d. *Be a model for Inclusive Growth and Development:* Protect Downtown's diversity and evolve as a model for equitable growth and development.  
The project will bring more opportunities for ownership in Downtown Fargo. We *[the applicant]* worked to partner with the neighborhood while putting a strong plan in place and believe this project will serve as a catalyst for future revitalization in the area.
  - e. *Complete our Streets:* Make complete streets common place and encourage trips by foot, bicycle, and bus, as well as car.  
The project requires improvements to the infrastructure (streets, sidewalks, utilities) and will have connectivity to river bike paths with ease access to Downtown.
  - f. *Park Smart:* Manage parking resources to meet the needs of drivers, while also making room for new development and activity.  
The site contains 145 indoor parking spaces and 75 outdoor parking spaces. The Total 220 parking spaces is adequate to support the 131 total units.

- g. *Play with purpose:* Develop a system of connected all-season green spaces designed for people (of a range of ages and interests) and purpose (as infrastructure that absorbs stormwater).  
The project borders the beautiful Wildflower Grove Park offering public green spaces to the residents and helping further activate the park. The residents will have convenient access to the river walk trails and river scape scenery. The levee and setbacks provide for a substantial amount of pervious greenspace adjacent to the park.

(17/20 points)

2. **Investment Thresholds:** Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in this RZ Plan?

According to the application, the structure accommodates 215,712 square feet, as follows:

- *Proposed Building Total:* approximately 215,712 SF
- *Commercial:* approximately 0 SF
- *Residential:* approximately 122,345 SF (97,700 SF Apartments; 24,645 SF Condominiums)
- *Parking:* approximately 64,115 SF

*\*Remaining SF includes ancillary space, such as amenities, lobbies, corridors, elevators, etc.*

Overall, the application estimates a total capital investment of \$25,931,000, which calculates to approximately \$120.21 per square foot.

(10/10 points)

3. **High Priority Land Use:** The new construction or proposed improvements are representative of "High Priority Land Uses" as defined by this RZ Plan (page 9).

- a. Primary Sector Business:  
N/A
- b. Active Commercial, Specialty Retail or Destination Commercial:  
No
- c. Mixed Use Development:  
No

(0/20 points)

4. **Targeted Areas:** Is the investment located in a "Targeted Area" as defined by this RZ Plan? Consideration shall be given to whether this property has been vacant or underutilized for a period of time and/or whether the property is specifically targeted for clearance.

- a. Parcels that have been vacant or underutilized for an extended period of time:  
Detached housing was located on the property, but over the last several years has been demolished. A project has been contemplated at this location for many years.
- b. Parcels specifically targeted for clearance:  
The RZ Plan identifies Block 55 for: Clearance and redevelopment; housing

(10/10 points)



5. **Urban Design:** Is the project representative of strong urban design principles?

The project embodies strong urban design principles, including density, form, materials, and proximity/adjacency to amenities. The design contemplates the interface of the structure to the right-of-way, and it is located adjacent to the Red River where residents can connect to metro area trails and other destinations. The building consists of a variety of materials as well as projections and recessions, which create architectural interest. The project is located within the DMU, Downtown-Mixed Use zoning district and will have to meet the architectural intent of that zoning district requirements as well.

(10/10 points)

6. **Investment Analysis:** Consideration and analysis as to the total actual investment.

As proposed, the redevelopment project and improvement costs significantly exceed both the 50% (true and full value of the building) and \$100 per square foot requirement. As previously noted, the application represents a total estimated investment of \$25,931,000, which calculates to approximately \$120.21 per square foot.

(10/10 points)

7. **Business Relocation:** Consideration as to whether the project will include or accommodate the relocation of a business from another North Dakota community?

The project does not involve the movement or relocation of a business from another North Dakota community.

(Criteria does not apply)

8. **Street Activation:** Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective?

The building is architecturally designed and provides interest with varying projections and recesses, colors, textures and materials, and other vertical elements. Renaissance Zone projects are anticipated to be conscience of four-sided design, which has been seen with other projects within the downtown, which the design reflects.

The project is adjacent to the proposed Oak Grove Historic Overlay, which is scheduled for review by the City Commission on December 28, 2020 meeting. The historic overlay is intended to preserve the historic nature of structures, which are mostly single-family, detached residences. The multi-dwelling project is a larger scale than what is typical for a majority of this area, however, there are condo buildings (range of sizes) within the boundary of the proposed historic overlay. The project provides residential units for rent and condos for ownership, which means more residents in the neighborhood. More residents provide more "eyes on the street" and street activation in this area. The project is on the edge of the Downtown area, providing alternate transportation options for Downtown destinations.

(8/10 points)

**Summary:**

This application received a score of 65 on a 90-point scale (item 7 does not apply). The applicant met criteria and the use is consistent with the RZ Plan. In addition, the proposed new construction project surpasses the local capital improvement requirement of \$100 per square foot for new construction. The amount invested in the project exceeds state and local guidelines. The project does not involve the relocation of commercial businesses from another North Dakota city. The applicant will not be seeking any historic preservation tax credits. This project will make use of a lot that is currently underutilized.

To note, the project ranking total is lower than typical (a Renaissance Project typically ranks in the 90's). However, there are several factors to explain this project ranking that should be considered. When Renaissance Zone Development Plan was updated in 2019, the list of criteria was slightly adjusted to align with the Downtown InFocus plan. This means that we are essentially working with a new set of metrics to review projects against, and we are just beginning to see how this is working with new projects. When reviewing the study area of the Downtown InFocus plan, this block is located outside which can explain why some aspects of the project do not align with the criteria.

Additionally, this is the first solely residential project since the approval of the Renaissance Zone Development Plan Update. It is typical for projects located in the heart of downtown to be mixed-use, while this project is solely residential. When reviewing the redevelopment opportunity for this block, the Development Plan specifically states this block as an opportunity for clearance and redevelopment of housing, and does not contemplate mixed-use. Also, while this block is outside the study area of the Downtown InFocus plan, the future land use map within the plan contemplated the fringe areas, as they interface with Downtown. The future land use plan proposes that this location is appropriate for residential use.

Furthermore, the project is located on a satellite block. Per State requirements, a satellite block, which is not contiguous with the zone boundary, is allowed. By virtue, it's likely that this block is not located in the heart downtown, but on the periphery or potentially even further away. Much of the project criteria is related to the location of being within the downtown core.

Staff finds that although the project does not score as high as others in the past, there are reasons why this can be explained. Staff believes that this project will be a benefit to the downtown community and will positively contribute to the health of surrounding neighborhood and nearby businesses and is recommending approval.

**Suggested motion:**

**Recommend approval to the Fargo City Commission to approve the application submitted by Craig Enclave OG, LLC and to grant the property tax exemption and the State income tax exemptions as allowed by the ND Renaissance Zone law contingent upon completion of the project and verification of costs.**



Minimum Criteria (New Construction Proposals)			
Criteria:		Staff Rating	Possible Points
1	Use consistent with the plan (as per Vision and Goals)	17	20
2	Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in the RZ Plan?	10	10
3	<p>The new construction or proposed improvements are representative of “High Priority Land Uses” as defined in the RZ Plan:</p> <ul style="list-style-type: none"> <li>• Primary sector business, industry and talent-dependent Enterprises</li> <li>• Active Commercial, Specialty Retail and/or Destination Commercial</li> <li>• Mixed use development (combination of housing, commercial, and/or retail uses in a horizontal or vertical fashion)</li> </ul>	0	20
4	<p>The investment is located in a ‘Target Area’ as defined by the RZ Plan:</p> <ul style="list-style-type: none"> <li>• Parcels that have been vacant or underutilized for an extended period of time</li> <li>• Parcels specifically targeted for clearance</li> </ul>	10	10
5	Is the project representative of strong urban design principles?	10	10
6	Consideration and analysis as to the total actual investment in the project: Consideration can be given for the level of capital investment in a project. (i.e., additional consideration can be given for higher levels of investment)	10	10
7	<p>Consideration as to whether the project will include or accommodate the relocation of a business from another North Dakota community:</p> <ul style="list-style-type: none"> <li>• Commercial tenants that are re-locating within the Downtown Area (as defined by the 1996 Downtown Area Plan) are not eligible for tax incentives without special approval from the Zone Authority</li> <li>• Commercial tenants that are relocating from a North Dakota community (other than Fargo) to the Fargo Renaissance Zone are not eligible for tax incentives without special approval from the Zone Authority.</li> </ul>	N/A	N/A
8	Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective?	8	10
Total Rating (90 possible points)		65	90



**Planning & Development**  
225 4<sup>th</sup> Street North  
Fargo, North Dakota 58102  
Office: 701.241.1474 | Fax: 701.241.1526  
Email: [Planning@FargoND.gov](mailto:Planning@FargoND.gov)  
[www.FargoND.gov](http://www.FargoND.gov)

## APPLICATION FOR RENAISSANCE ZONE PROJECT

Property owners, business owners, developers or investors interested in pursuing a Renaissance Zone project should review the 2019 RZ Plan. The RZ Plan delineates the current geographical boundaries of the program (only certain blocks within the downtown core are included) and provides additional detail on minimum investment requirements and applicable program goals and objectives that must be met.

Application submitted for (check all that apply):

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> New Construction      | <input type="checkbox"/> Commercial Lease  |
| <input type="checkbox"/> Purchase with Major Improvements | <input type="checkbox"/> Rehabilitation: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential |
| <input type="checkbox"/> Primary Residential Purchase     | <input type="checkbox"/> Block Addition  |

<b>Property Owner Information</b>
Name (printed): Jesse Craig
Name (printed):
Address: PO Box 426, Fargo, ND 58107

<b>Contact Person Information (if different than owner)</b>
Name (printed): Tim Gleason (Enclave Development)
Address: 1 2nd St N #102, Fargo, ND 58102

<b>Parcel Information</b>
Address: 10 6th Ave N; 6 6th Ave N; 505 Oak St N; 509 Oak St N Fargo, ND 58102
Unit Number:
Renaissance Zone Block Number: 55
Legal Description (attach separate sheet if more space is needed): Lot 2, Block 1 of Craigs Oak Grove Second Addition
See Minor Plat
Parcel Number: 01876600200000

Is this property listed on or a contributing structure to the National Register of Historic Places?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Do you intend to apply for a Historic Preservation Tax Credit in conjunction with this project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

<b>Project Information</b>	
Total Project Cost: (Qualified Capital Improvements) <b>\$25,931,000.00</b>	
Current Use of Property: Blighted single family homes and vacant land	
Anticipated Use Upon Completion: 117 Multifamily Units and 14 Condominiums	
Expected Date of Purchase: .	Expected Date of Occupancy: 6/1/2022
Estimated Property Tax Benefit: (Over five year exemption period) <b>\$1,500,000.00</b>	Estimated State Income Tax Benefit: (Over five year exemption period) <b>\$200,000.00</b>
Current Employees: (Full-time equivalent) <b>0</b>	Anticipated Employees: (Full-time equivalent) <b>75 construction</b>



**Scope of Work**

Construction will consist of five stories above grade with one story below grade parking. Part of the first level will be a combination of at-grade parking and walk-out apartment units. In total, the project will contain 117 multifamily units and 14 for-sale condominium units on the top floor. The existing improvements will be removed and a flood levee will be added to the site.

**Additional Project Information**

New Construction/Rehabilitation/Purchase with Improvements Only

Current Building Value: (Taxable Improvement Value) <b>\$800,000.00</b>	Estimated Building Value Upon Completion: (Taxable Improvement Value) <b>\$21,500,000.00</b>
Building Area Upon Completion (SF): <b>215,712</b>	Number of Stories Upon Completion: <b>Five</b>


Commercial Lease Only

Lease Area Upon Completion (SF):			
Type of Business:			
<input type="checkbox"/> New business moving to the Renaissance Zone	<input type="checkbox"/> Expanding Business moving to the Renaissance Zone	<input type="checkbox"/> Existing Business Expanding within the Renaissance Zone	<input type="checkbox"/> Continuation of a lease moving from one Renaissance Zone Project to another Renaissance Zone Project

Residential Purchase Only

Will this be your primary place of Residency?:

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

Owner (Signature): 	Date: <u>11-3-20</u>
Joint Owner (Signature): _____	Date: _____
Representative (Signature): <u>Tim gleason</u> <small>Digitally signed by Tim gleason DN: cn=Tim, email=tim@midwestcommercial.com, cn=Tim gleason Date: 2020.10.29 17:59:05-0500</small>	Date: <u>10-29-2020</u>

**THE FOLLOWING CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH THE APPLICATION FORM:**

		Submitted	N/A
Renaissance Zone Project	Current photos of property, relevant to project scope and proposed renderings of the proposed project	<input checked="" type="checkbox"/>	
	Certificate of Good Standing from the Office of the State Tax Commissioner	<input checked="" type="checkbox"/>	
	Business Incentive Agreement from the Department of Commerce for all non-residential projects	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	For residential purchases proved a copy of the purchase agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Goals and objectives as outlined in the 2015 Fargo Renaissance Zone Development Plan (Attachment A)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**APPLICATION DEADLINES:**

The Renaissance Zone Authority regularly meets on the Fourth Wednesday of each month at 8:00 am in the in the City Commission Chambers at 225 4<sup>th</sup> Street North, Fargo, ND 58102. For consideration during a monthly meeting:

- Renaissance Zone applications are due by 4:30 pm on the **first Wednesday of each month.**

**REQUIREMENTS, POLICIES, AND GUIDELINES:**

The Renaissance Zone is administered according to the following written documents, each of which are available on the City of Fargo's website.

- Renaissance Zone Designation
  - o City of Fargo Renaissance Zone Development Plan
  - o North Dakota Renaissance Zone Program Guidelines

**CERTIFICATION:**

Applicant certifies that, to the best of his/her knowledge and belief, the information contained in the application and attached hereto is true and correct. Applicant also certifies that he/she understands all written requirements, policies, and guidelines of the Fargo Renaissance Zone Authority, the City of Fargo, and/or the State of North Dakota governing the use of the procedure or program being applied for:

**Tim gleason**  
Digitally signed by Tim gleason  
 DN: C=US, E=ting@enclosurecompanies.com, CN=Tim gleason  
 Date: 2020.10.29 18:03:26-0500'  
 (Applicant's Signature)

**Tim Gleason**  
 (Printed Name)

**10-29-2020**  
 (Date)

If the property owner(s) and applicant are different, the property owner certifies that he/she has full knowledge of this application and consents to its submission:

  
 (Applicant's Signature)

**Jesse Chmy**  
 (Printed Name)

**11-3-2020**  
 (Date)

\_\_\_\_\_  
 (Applicant's Signature)

\_\_\_\_\_  
 (Printed Name)

\_\_\_\_\_  
 (Date)



## Goals of the Fargo Renaissance Zone Plan

Is the proposed use of the project consistent with the RZ Plan? As noted in the Renaissance Zone Development Plan the desired land use will contribute to a number of goals:

1. *Grow as a Neighborhood.* How will this project invest in housing to increase the population living Downtown and maintain Downtown's diversity?

The project will add 117 multifamily units and 14 for sale condominiums to Downtown as well as the Oak Grove neighborhood

2. *Prosper as a Business Center.* How will this project increase the number and type of jobs Downtown (or accessible from Downtown)?

The project will bring new home owners and residents that will live, work, and play Downtown to support the growing number of businesses and jobs that call Downtown home

3. *Thrive as a Destination.* How will this project create a unique Downtown experience with an activated riverfront and vibrant sidewalks and public spaces that serve as the backdrop to the community's social life?

The project was artfully designed to fit within the context of the historic Oak Grove neighborhood and river scape setting. The property borders the Wildflower Grove Park offering convenient access to the riverwalk trails while overlooking downtown Fargo, the Hjemkomst Center, and the Red River.

4. *Be a Model for Inclusive Growth and Development.* How will this project protect Downtown's diversity and evolve as a model for equitable growth and development?

The project will bring more opportunities for ownership in Downtown Fargo. We worked to partner with the neighborhood while putting a strong plan in place and believe this project will serve as catalyst for future revitalization in the area.

5. *Complete our Streets.* How will this project make complete streets common place and encourage trips by foot, bicycle, and bus, as well as car?

The project requires improvements to the infrastructure (streets, sidewalks, utilities) and will have connectivity to river bike paths with easy access to Downtown

6. *Park Smart.* How will this project manage parking resources to meet the needs of drivers, while also making room for new development and activity?

The site contains 145 indoor parking spaces and 75 outdoor parking spaces. The total 220 parking spaces is adequate to support the 131 total units.

7. *Play with Purpose.* Will this project develop a system of connected all-season green spaces designed for people (of a range of ages and interests) and purpose (as infrastructure that absorbs stormwater)?

The project borders the beautiful Wildflower Grove Park offering public green spaces to the residents and helping further activate the park. The residents will have convenient access to the river walk trails and river scape scenery. The levee and setbacks provide for a substantial amount of previous green space adjacent to the park.



esc

# ENCLAVE DEVELOPMENT FARGO

FARGO, ND

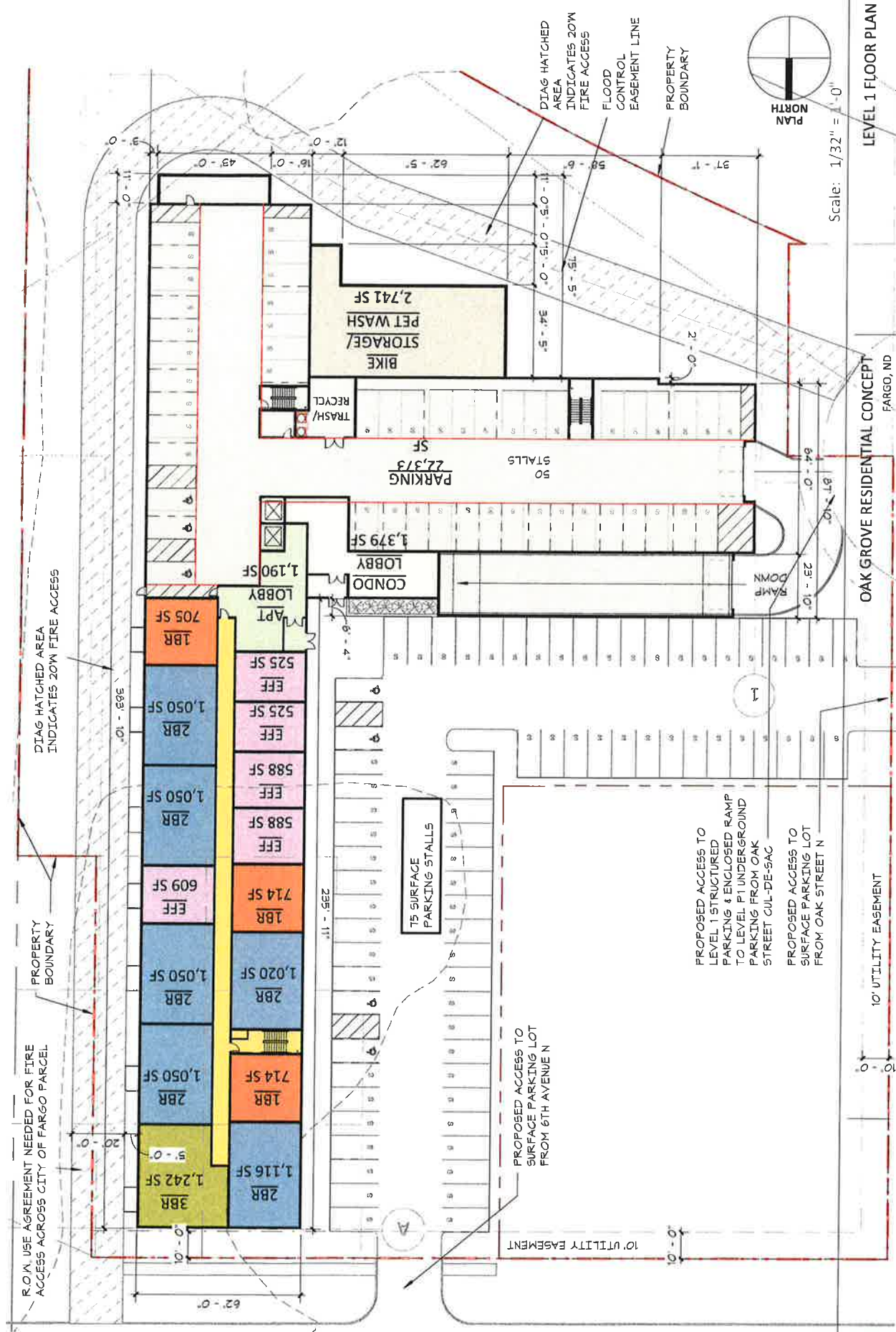
*City of Fargo Presentation*

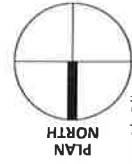


## SITE CONTEXT









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

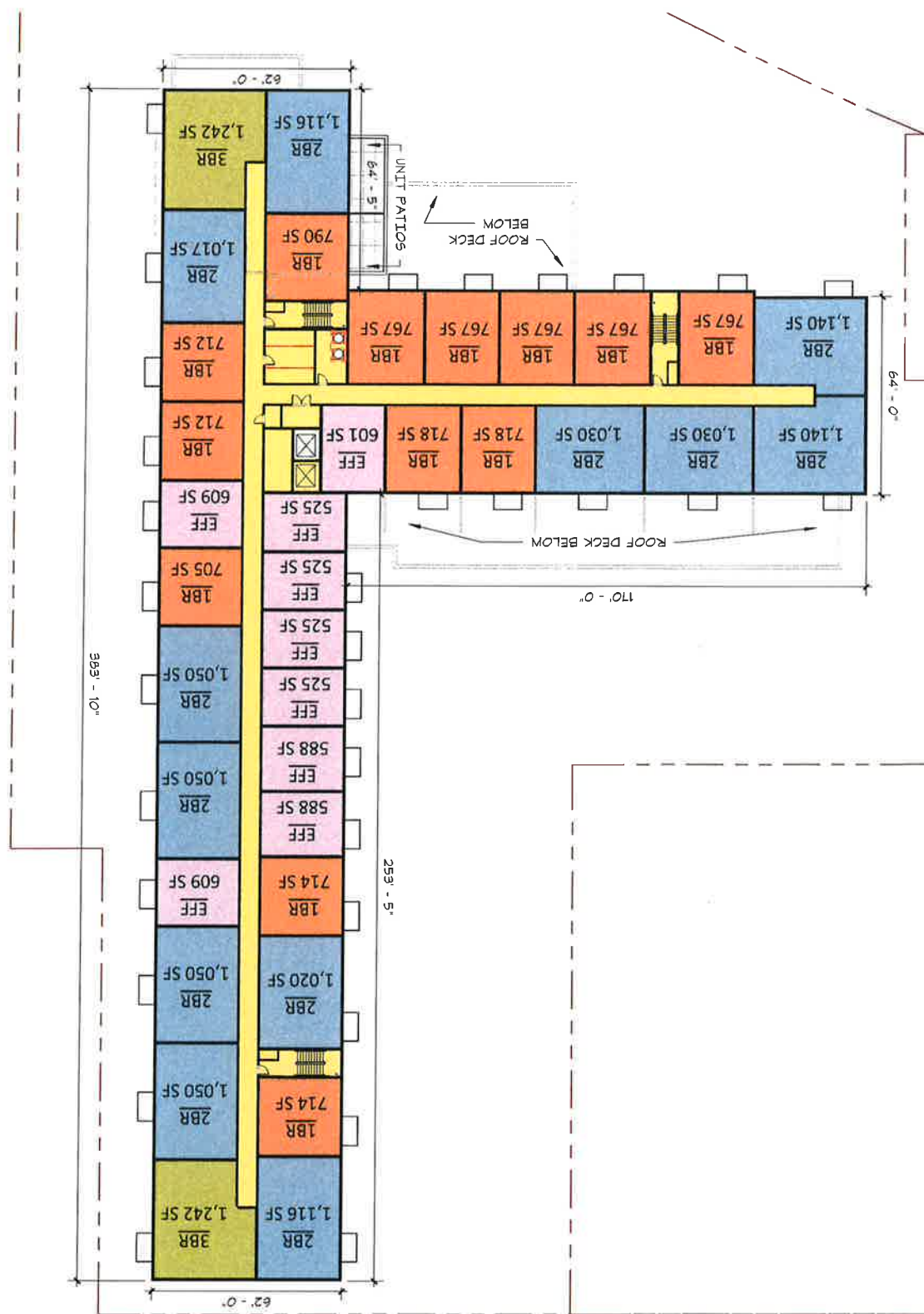
OAK GROVE RESIDENTIAL CONCEPT  
FARGO, ND

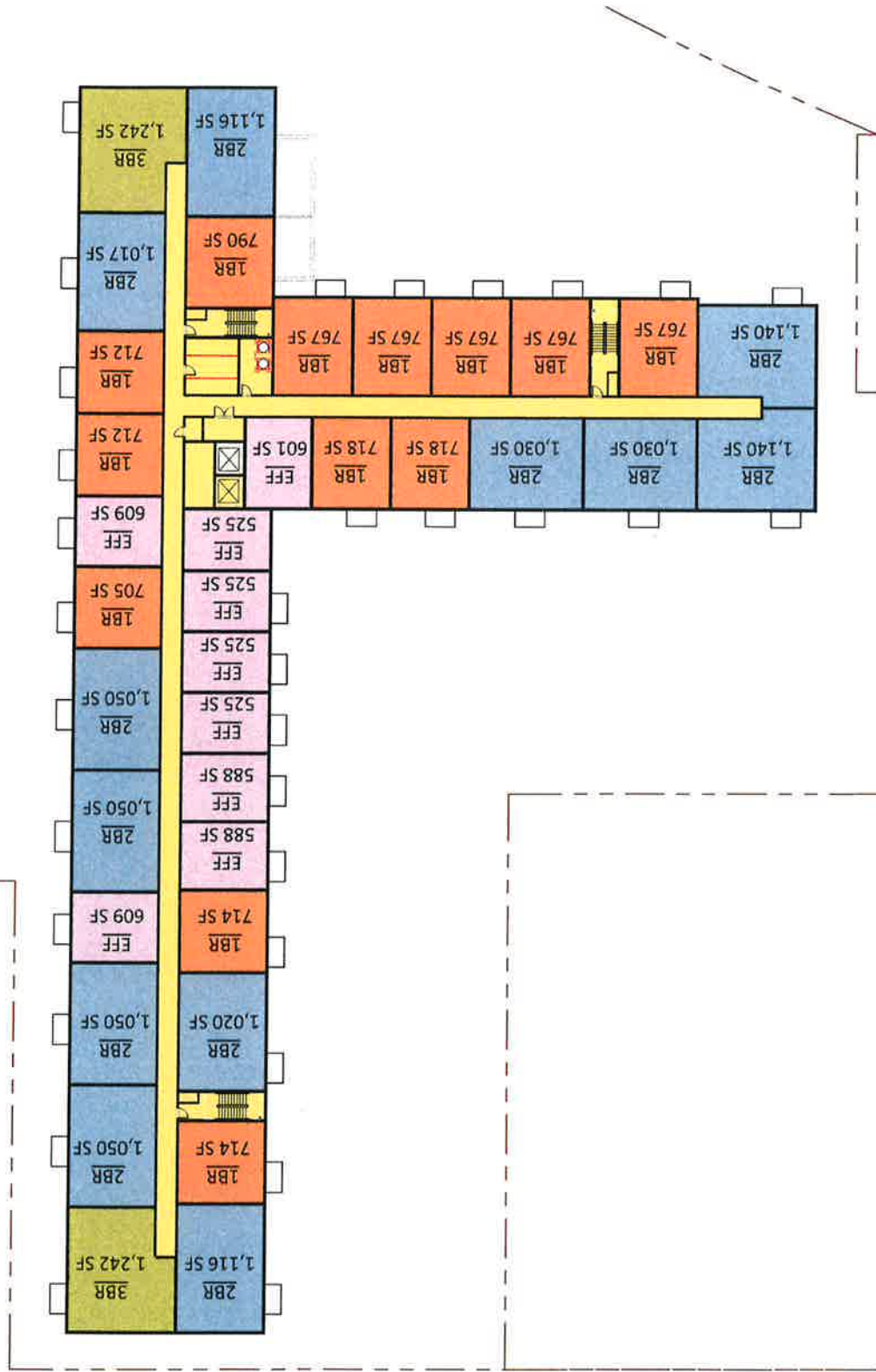
LEVEL 2 FLOOR PLAN

09.14.20

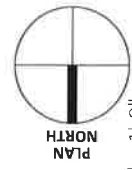
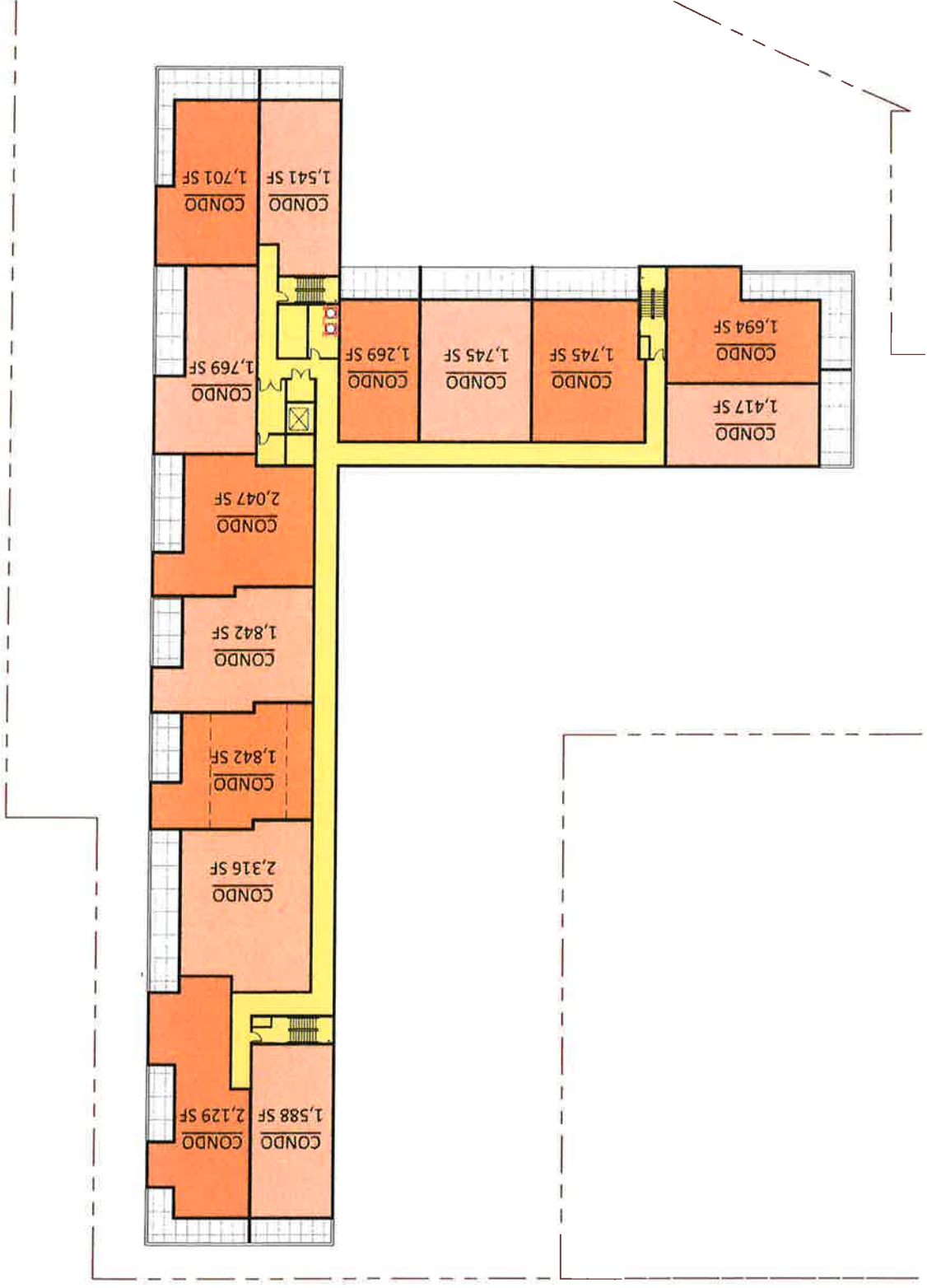












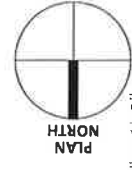
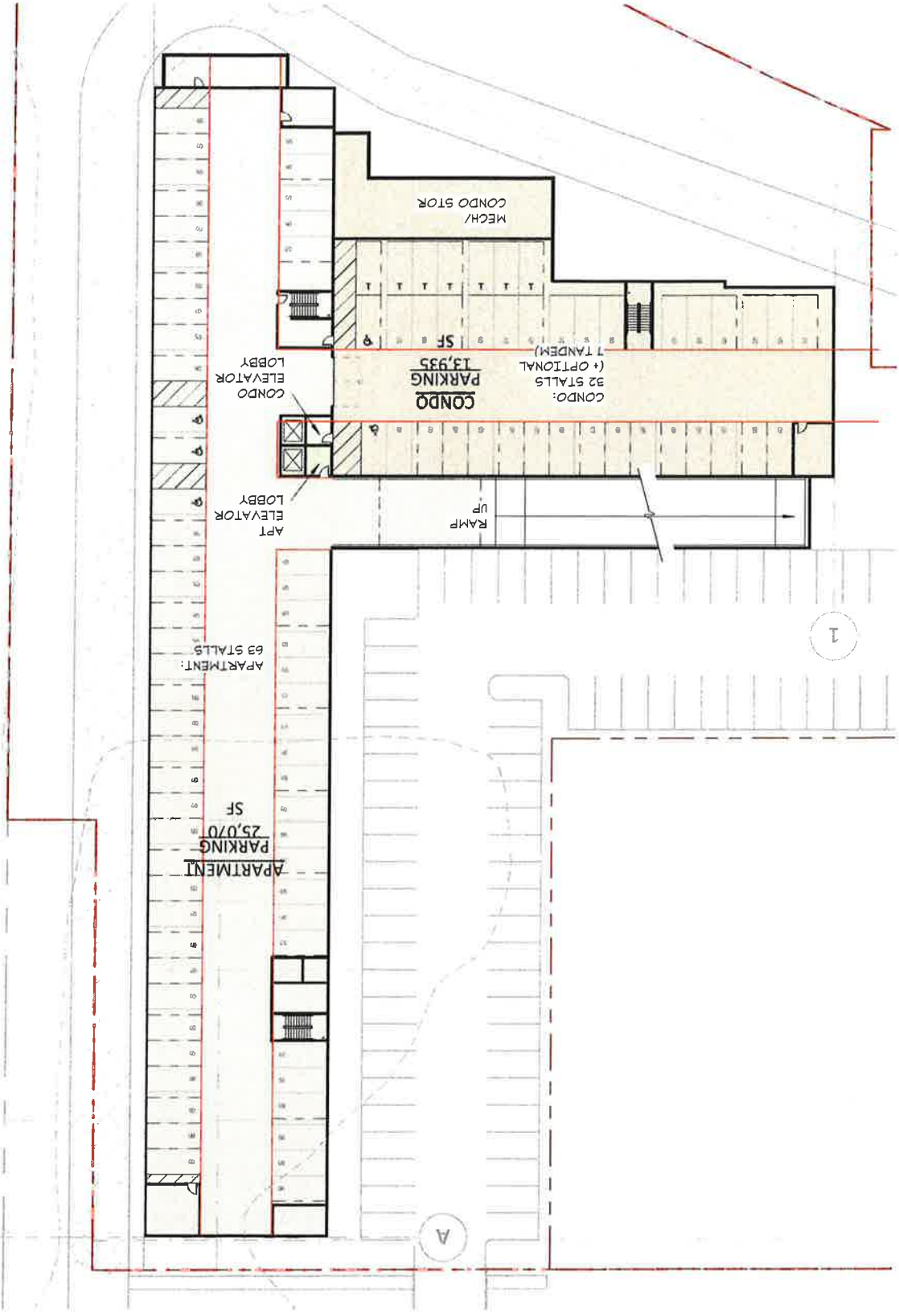
Scale: 1/32" = 1'-0"

LEVEL 5 FLOOR PLAN

OAK GROVE RESIDENTIAL CONCEPT  
FARGO, ND

09.14.20





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

LEVEL P1 PARKING PLAN

OAK GROVE RESIDENTIAL CONCEPT  
FARGO, ND

09.14.20





## PERSPECTIVES

### 1. VIEW OF SOUTH-EAST END FROM WILDFLOWER GROVE PARK



## PERSPECTIVES

### 2. VIEW OF NORTH-EAST CORNER FROM WILDFLOWER GROVE PARK





# ENTRANCE

## 3. AERIAL VIEW OF ENTRANCE AND UNIT PATIOS





## ENTRY

### 4. AERIAL VIEW OF AMENITY DECK



BUILDING KEY PLAN



22

MEMORANDUM

**TO:** City Commission

**FROM:** Donald Kress, current planning coordinator. *TSK/DOES*

**DATE:** January 7, 2021

**RE:** ANNEXATION OF PROPERTY – Part of Sections 3, 4 and 10,  
Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass  
County, North Dakota

---

The City of Fargo is initiating annexation for parcels to support future sports complex, educational, commercial, and residential development as well as street and drainage right of way. This annexation is scheduled to be reviewed by Planning Commission on their February 2, 2021 agenda. The resolution will be noticed pursuant to North Dakota Century Code annexation statutes. The sufficiency of protest hearing would be set for the February 22, 2021 City Commission agenda. Please see attached staff report, map, legal description, and resolution.

Recommended Motion.

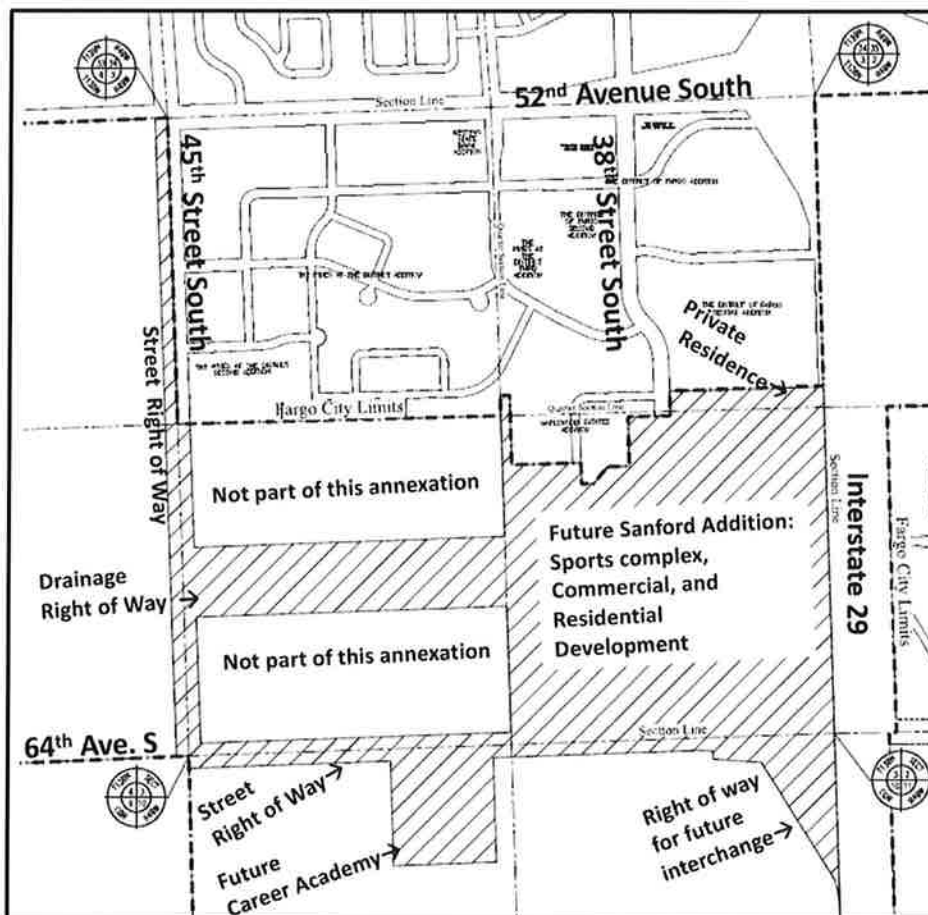
Staff recommends that the City Commission adopt the resolution of annexation and set the date for the hearing on the sufficiency of protests for the February 22, 2021 City Commission agenda.

City of Fargo Staff Report			
<b>Title:</b>	Annexation of Part of Sections 3, 4 and 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota,	<b>Date:</b>	1/7/2021
<b>Location:</b>	South of current Fargo city limits; west of I-29; along and east of 45 <sup>th</sup> Street South; along and south of 64 <sup>th</sup> Avenue South	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Part of Sections 3, 4 and 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota,		
<b>Owner(s)/Applicant:</b>	City-initiated	<b>Engineer:</b>	City of Fargo
<b>Entitlements Requested:</b>	Adoption of resolution of annexation		
<b>Status:</b>	City Commission review January 11, 2021		
<b>Existing</b>		<b>Proposed</b>	
<b>Land Use:</b> Undeveloped		<b>Land Use:</b> No change proposed with this annexation.	
<p><b>Zoning:</b> AG: Agricultural: Allows detached houses, parks and open space, safety services, basic utilities, and crop production.</p> <p>GC, General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.</p> <p><i>NOTE: The area of GC zoning is in a strip along the west side of 45<sup>th</sup> Street that is for right of way for 45<sup>th</sup> Street and is not intended for development.</i></p>		<p><b>Zoning:</b> No change proposed with this annexation</p>	
<p><b>Maximum Allowable Density:</b> AG allows 1 dwelling unit per 10 acres</p> <p><b>Maximum Allowable Lot Coverage:</b> GC allows 85% maximum lot coverage</p>		<p><b>Maximum Allowable Density:</b> No change proposed with this annexation.</p> <p><b>Maximum Allowable Lot Coverage:</b> No change proposed with this annexation.</p>	
(continued on next page)			



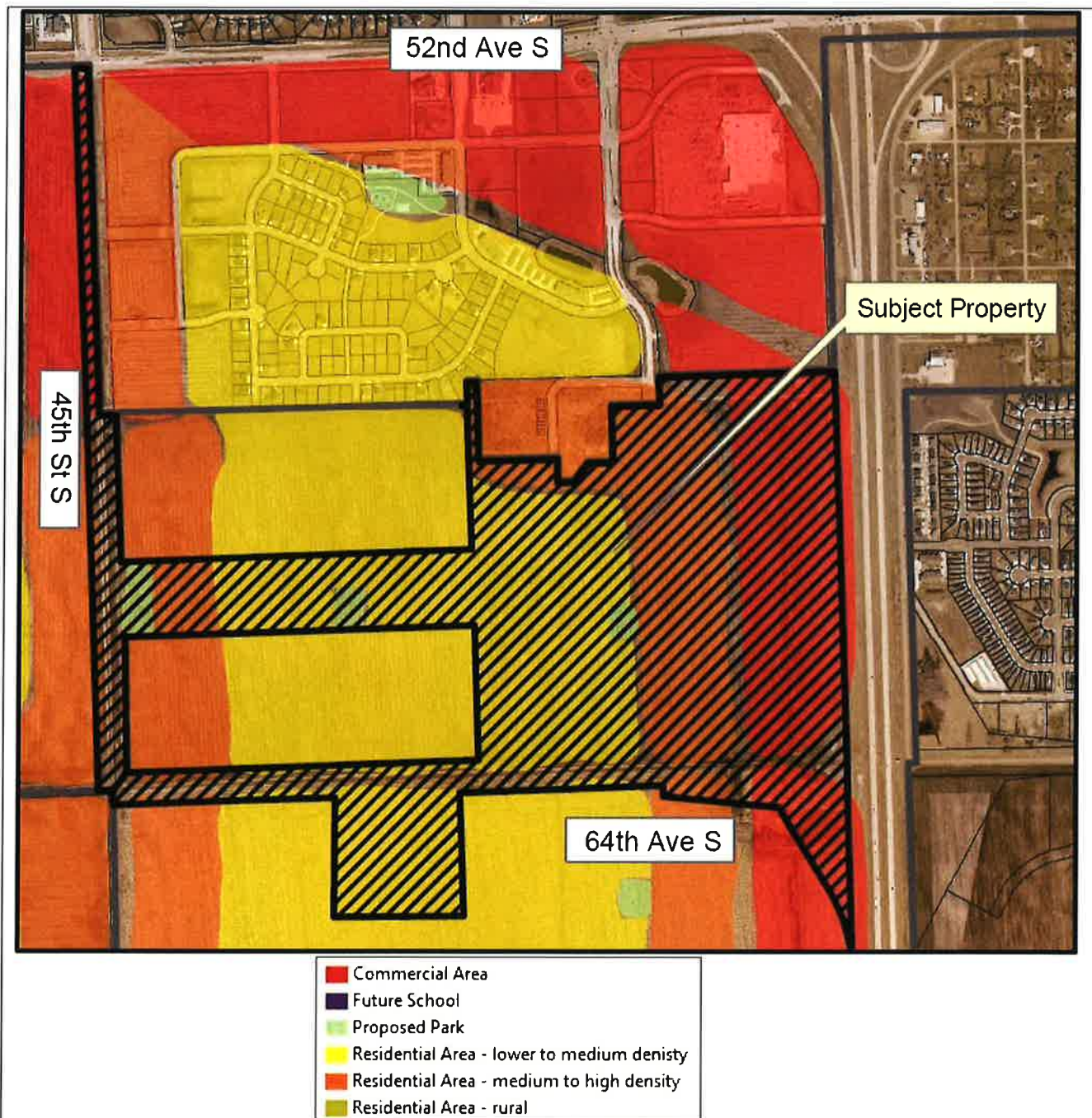
**Proposal:**

The applicant, City of Fargo, proposes to annex approximately 251.10 acres of land within the city's four-mile extra-territorial jurisdiction. The graphic below depicts the annexation area and the general uses intended for that area.

**Area Plans:**

The proposed annexation area is included in the 2007 Growth Plan. The proposed annexation area is depicted on the South Fargo Tier 1 West map of the 2007 Growth Plan. The area included in the annexation is designated as "Residential Area—Lower to Medium Density (yellow color);" "Residential Area—Medium to High Density (orange color);" "Commercial (red color);" and "Proposed Park (green color)" on that plan, as shown on the graphic below.

(continued on next page)



#### Staff Analysis:

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff") and recommended for approval by the Public Works Project Evaluation Committee (PWPEC).

The proposed annexation area is depicted on the South Fargo Tier 1 West map of the 2007 Growth Plan. That plan describes the "Tier 1" designation as the "Intended Growth Sector" for the city of Fargo. The proposed annexation area is adjacent to the current Fargo city limits and along the routes designated for the extension of major arterials—45<sup>th</sup> Street South and 64<sup>th</sup> Avenue South—which will provide access and



utilities. 38<sup>th</sup> Street South will also be extended through the property from its current terminus at the Fargo city limits to 64<sup>th</sup> Avenue South.

#### **OWNERS**

The annexation area includes property owned by seven different owners:

1. Sanford North
2. A & T Land Company LLC
3. Dabbert Custom Homes, LLC (this property is being conveyed to North Dakota State College of Science)
4. Fred M. Hector Jr. Revocable Trust, et. al.
5. Brian W. Dekkers
6. Maplewood Estates, LLC
7. City of Fargo

#### **PLANNING COMMISSION REVIEW**

The Planning Commission is scheduled to review this annexation for consistency with the 2007 Growth Plan at their regularly scheduled February 2, 2021, meeting.

#### **RESOLUTION OF ANNEXATION**

Pursuant to the process described in North Dakota Century Code Section 40-51.2-07, a resolution of annexation, prepared by City staff, is attached for your Commission's action. The resolution includes a detailed legal description of the proposed annexation area and sets the date for the hearing on the sufficiency of protests for the February 22, 2021 City Commission agenda.

#### **Staff Recommendation:**

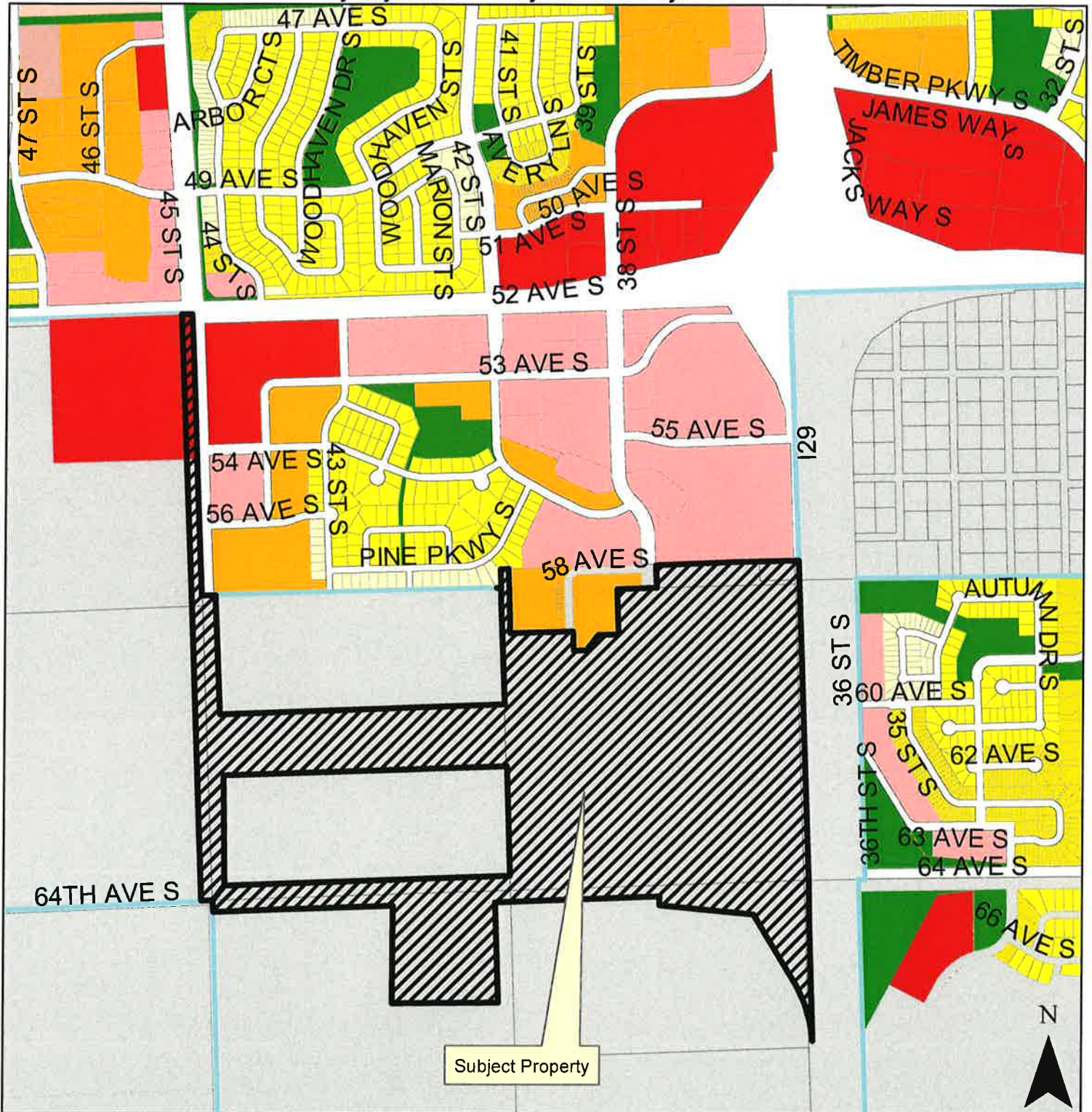
Staff recommends that the City Commission adopt the resolution of annexation and set the date for the hearing on the sufficiency of protests for the February 22, 2021 City Commission agenda.

#### **Attachments:**

1. Zoning Map
2. Location Map
3. Legal description of proposed annexed area
4. Map of proposed annexation area
5. Draft resolution of annexation

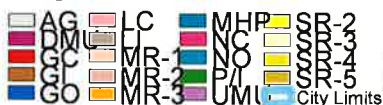
# Annexation

Part of Sections 3, 4, and 10, T138N, R49W



THE CITY OF  
**Fargo**  
FAR MORE

## Legend



0.25

Miles

Fargo City Commission

January 11, 2021



# Annexation

Part of Sections 3, 4, and 10, T138N, R49W





## ANNEXATION PLAT OF:

Part of Sections 3, 4 and 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more fully described as:

Beginning at the northwest corner of said Section 3; thence along the existing City of Fargo corporate limits along the following courses; thence southerly along the west line of the Northwest Quarter of said Section 3 to the southwest corner of said Northwest Quarter; thence easterly along the south line of said Northwest Quarter to a point lying 100.00 feet easterly of, as measured perpendicular to, the west line of said Section 3; thence southerly, leaving the existing City of Fargo corporate limits, parallel with the west line of said Section 3 to a point lying 1690.00 feet northerly of, as measured perpendicular to, the south line of said Section 3; thence easterly, parallel with the south line of said Section 3, to a point on the east line of the Southwest Quarter of said Section 3; thence northerly, along the east line of the Southwest Quarter of said Section 3, to the southeast corner of said Northwest Quarter and the existing City of Fargo corporate limits; thence along the existing City of Fargo corporate limits along the following courses; thence northerly along the east line of said Northwest Quarter to a point lying 165 feet northerly of, as measured perpendicular to, the south line of the North Half of said Section 3; thence easterly, parallel with the south line of the North Half of said Section 3, to the northwest corner of a tract of land described in the City of Fargo annexation plat on file as document 1440667 at the Cass County Recorder's Office; thence southerly, easterly, southerly, easterly, northeasterly, easterly, northerly, easterly and northerly, along the boundary of said City of Fargo annexation plat, to the northeast corner of said boundary being a point lying 165 feet northerly of, as measured perpendicular to, the south line of the North Half of said Section 3; thence easterly, parallel with the south line of the North Half of said Section 3, to a point on the east line of said Section 3; thence southerly, leaving the existing City of Fargo corporate limits, along the east line of said Section 3 to the northeast corner of said Section 10; thence southerly along the east line of said Section 10 a distance of 1472.41 feet to the southeast corner of a tract of land described as "Tract A" in document 1599716 on file at the Cass County Recorder's Office; thence northerly along the east line of said "Tract A" to a point of intersection with the westerly right of way line of the 33-foot statutory road easement along the east line of said Section 10; thence northwesterly, westerly, northerly and westerly along the westerly and southerly boundary of a tract of land described as "Tract 2" in document 1607915 on file at the Cass County Recorder's Office to a point lying 100.00 feet southerly of, as measured perpendicular to, the north line of said Section 10; thence westerly, parallel with the north line of said Section 10, to the northeast corner of a tract of land, "Tract B" as referred to herein, known as the south 849.00 feet of the north 949.00 feet of the west 839.50 feet of the east 989.50 of the Northwest Quarter of said Section 10; thence southerly, westerly and northerly along the boundary of said "Tract B" to the northwest corner of said "Tract B", a point lying 100.00 feet southerly of, as measured perpendicular to, the north line of said Section 10; thence westerly, parallel with the north line of said Section 10, to a point on the west line of said Section 10 and the existing City of Fargo corporate limits; thence along the existing City of Fargo corporate limits along the following courses; thence northerly along the west line of said Section 10 to the



northwest corner of said Section 10; thence westerly along the south line of said Section 4 to a point lying 100.00 feet westerly of, as measured perpendicular to, the east line of said Section 4; thence northerly, leaving the existing City of Fargo corporate limits, parallel with the east line of said Section 4, to a point on the north line of said Section 4 and the existing City of Fargo corporate limits; thence easterly, along the north line of said Section 4 and the existing City of Fargo corporate limits to the northwest corner of said Section 3, the point of beginning.

LESS

The northerly 1025.00 feet of the southerly 1125.00 feet of the Southwest Quarter of said Section 3, less the westerly 100.00 feet thereof.

Said part of Sections 3, 4 and 10 contains 251.10 acres, more or less.

Map of the City of Fargo showing the existing corporate limit boundary and the area to be annexed. The map includes a north arrow, a scale bar (0 to 1000 feet), and a legend. The legend indicates that the dashed line represents the 'EXISTING CITY OF FARGO CORPORATE LIMIT BOUNDARY' and the hatched area represents the 'AREA TO BE ANNEXED (21.10 ACRES)'. The map shows various streets and land parcels, with the annexed area located in the central-eastern part of the city. A 'Section Line' is also indicated.

[illegible]

I, Brent W. Waite, Professional Land Surveyor, under the laws of the State of North Dakota, hereby certify that this possession plat is a true and correct representation of the area enclosed, that said plat shows the City of Fargo corporate limits contiguous to the enclosed property.

BYRON W. WACHS, PLS  
North Dakota Registration No. 15,530A

State of North Dakota  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
with and for said county, personally appeared:

Brent W. Wach, Professional Land Surveyor

known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Primary Pediatric Care Society

Prepared by:  
Fargo Engineering Department  
FARGO, NORTH DAKOTA

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this \_\_\_\_\_ day of \_\_\_\_\_

Wanda E. Dettig, City Engineer, P.E.  
North Dakota Registration No. PE-5933

State of North Dakota

University of Cape Town

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public  
with and for said county, personally appeared \_\_\_\_\_

Brenda E. Derrig, City Engineer, City of Fargo

known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as a

**County Public Case County**  
**by commission expires**

CARGO CITY COMMISSION APPROVAL:

approved by the Board of City Commissioners of Fargo, North Dakota

**Journal of Management Inquiry**

eye Service Clinic Audiology

State of North Dakota

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public with and for said county, personally appeared,

Timothy J. Mahoney, Mayor, City of Fargo  
Steve Sprague, City Auditor, City of Fargo

...in not to be the persons described in and who executed the ...  
...acknowledged that they executed the same as ...

County Public Case County  
Commissioners 2012



## **RESOLUTION OF ANNEXATION**

**BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:**

WHEREAS, the City of Fargo, Cass County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota, with approximately one hundred twenty-four thousand (124,000) inhabitants; and

WHEREAS, there is contiguous and adjacent to the City of Fargo, a tract or parcel of land hereinafter specifically described, containing approximately 251.10 acres, more or less, which tract or parcel of land is not presently a part of the City of Fargo.

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that the boundaries of the City of Fargo be, and they hereby are, extended so as to include and incorporate within the corporate limits of the City of Fargo, Cass County, North Dakota, all the land described as follows:

Part of Sections 3, 4 and 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more fully described as:

Beginning at the northwest corner of said Section 3; thence along the existing City of Fargo corporate limits along the following courses; thence southerly along the west line of the Northwest Quarter of said Section 3 to the southwest corner of said Northwest Quarter; thence easterly along the south line of said Northwest Quarter to a point lying 100.00 feet easterly of, as measured perpendicular to, the west line of said Section 3; thence southerly, leaving the existing City of Fargo corporate limits, parallel with the west line of said Section 3 to a point lying 1690.00 feet northerly of, as measured perpendicular to, the south line of said Section 3; thence easterly, parallel with the south line of said Section 3, to a point on the east line of the Southwest Quarter of said Section 3; thence northerly, along the east line of the Southwest Quarter of said Section 3, to the southeast corner of said Northwest Quarter and the existing City of Fargo corporate limits; thence along the existing City of Fargo corporate limits along the following courses; thence northerly along the east line of said Northwest Quarter to a point lying 165 feet northerly of, as measured perpendicular to, the south line of the North Half of said Section 3; thence easterly, parallel with the south line of the North Half of said Section 3, to the northwest corner of a tract of land described in the City of Fargo annexation plat on file as document

1440667 at the Cass County Recorder's Office; thence southerly, easterly, southerly, easterly, northeasterly, easterly, northerly, easterly and northerly, along the boundary of said City of Fargo annexation plat, to the northeast corner of said boundary being a point lying 165 feet northerly of, as measured perpendicular to, the south line of the North Half of said Section 3; thence easterly, parallel with the south line of the North Half of said Section 3, to a point on the east line of said Section 3; thence southerly, leaving the existing City of Fargo corporate limits, along the east line of said Section 3 to the northeast corner of said Section 10; thence southerly along the east line of said Section 10 a distance of 1472.41 feet to the southeast corner of a tract of land described as "Tract A" in document 1599716 on file at the Cass County Recorder's Office; thence northerly along the east line of said "Tract A" to a point of intersection with the westerly right of way line of the 33-foot statutory road easement along the east line of said Section 10; thence northwesterly, westerly, northerly and westerly along the westerly and southerly boundary of a tract of land described as "Tract 2" in document 1607915 on file at the Cass County Recorder's Office to a point lying 100.00 feet southerly of, as measured perpendicular to, the north line of said Section 10; thence westerly, parallel with the north line of said Section 10, to the northeast corner of a tract of land, "Tract B" as referred to herein, known as the south 849.00 feet of the north 949.00 feet of the west 839.50 feet of the east 989.50 of the Northwest Quarter of said Section 10; thence southerly, westerly and northerly along the boundary of said "Tract B" to the northwest corner of said "Tract B", a point lying 100.00 feet southerly of, as measured perpendicular to, the north line of said Section 10; thence westerly, parallel with the north line of said Section 10, to a point on the west line of said Section 10 and the existing City of Fargo corporate limits; thence along the existing City of Fargo corporate limits along the following courses; thence northerly along the west line of said Section 10 to the northwest corner of said Section 10; thence westerly along the south line of said Section 4 to a point lying 100.00 feet westerly of, as measured perpendicular to, the east line of said Section 4; thence northerly, leaving the existing City of Fargo corporate limits, parallel with the east line of said Section 4, to a point on the north line of said Section 4 and the existing City of Fargo corporate limits; thence easterly, along the north line of said Section 4 and the existing City of Fargo corporate limits to the northwest corner of said Section 3, the point of beginning.

LESS

The northerly 1025.00 feet of the southerly 1125.00 feet of the Southwest Quarter of said Section 3, less the westerly 100.00 feet thereof.

Said part of Sections 3, 4 and 10 contains 251.10 acres, more or less.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for the City of Fargo once each week for two successive weeks, and a hearing be held on the 22nd day of February, 2021, at 5:15 p.m., in the Commission Chambers, City Hall, Fargo, North Dakota.



C E R T I F I C A T E

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

I, Timothy J Mahoney, the duly elected, qualified and acting Mayor of the City of Fargo, North Dakota; and

I, Steven Sprague, the duly appointed, qualified, and acting City Auditor of the City of Fargo, North Dakota,

DO HEREBY CERTIFY:

That the foregoing is a full, true, and correct copy of the original Resolution and the whole thereof annexing a tract of land consisting of approximately 251.10 acres, which Resolution was duly adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held February 22, 2021, at which meeting Commissioners \_\_\_\_\_ and \_\_\_\_\_ were present in person, and \_\_\_\_\_ was absent, and \_\_\_\_\_ and \_\_\_\_\_ voted in favor of the adoption of the Resolution and \_\_\_\_\_ voted against the adoption of the Resolution; and

That such Resolution is now a part of the permanent records of the City of Fargo, as filed in the office of the City Auditor.

(SEAL)

\_\_\_\_\_  
Timothy J. Mahoney, Mayor  
City of Fargo, North Dakota

ATTEST:

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, a Notary Public in and for Cass County in the State of North Dakota, personally appeared TIMOTHY J. MAHONEY, known to me to be the Mayor of the Board of City Commissioners and STEVEN SPRAGUE, known to me to be the City Auditor of the City of Fargo, a municipal corporation under the laws of the State of North Dakota, and they acknowledged to me that they executed the foregoing instrument.

\_\_\_\_\_  
Notary Public  
Cass County, North Dakota  
My Commission Expires: \_\_\_\_\_

23a

**January 7, 2021**

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Attached is the *Application for Abatement or Refund of Taxes #4490* prepared by David Tibbals of Fredrikson & Byron, PA. The application is for the Buena Vista Mobile Home Park located at 4301 El Toro Blvd S and is requesting a reduction in value from \$11,398,000 to \$9,120,000 in 2018.

We have included information regarding the valuation of this property and a comparison to similar properties for equity and the market. No authorizing letter was presented by the preparing entity, and no supporting evidence for a reduction was provided for analysis.

**SUGGESTED MOTION:**

**Denial of the Application of Abatement or Refund of Taxes #4490 on 4301 El Toro Blvd S. and retain the 2018 value.**

Sincerely,



Michael Splonskowski  
Fargo City Assessor



City of Fargo Assessment Department

# Buena Vista Mobile Home Park

2018 ~ Abatement Number 4490



Assessment Department Recommendation  
01-11-2021

# **Buena Vista Mobile Home Park**

Parcel Number: 01-0275-00010-000

**4301 El Tora Blvd S**

Owner: MHC Buena Vista LLC

## **Appeal Summary**

MHC Buena Vista LLC (appellant) is appealing, via authorized entity, the true and full value (value) of 4301 El Tora Blvd S (subject) for the 2018 tax year. The preparer, David Tibbals of Fredrikson & Byron, P.A, filed an "Application for Abatement Refund of Taxes" for the mentioned year (**Exhibit 1**). The application was dated 10/30/2020, one day before the deadline to apply for the 2018 tax year. The application was not signed by the applicant; nor was an authorization letter provided by the preparer.

The subject is a 402 pad mobile home park, situated on 75 acres. It is located near Main Avenue and 42<sup>nd</sup> Street S (**Exhibit 2**). It is zoned as a mobile home park. The subject sold in August of 2011 for \$15,119,300.

The preparer is requesting a value of \$9,120,000. The value of the subject property for 2018 is \$11,398,000 (**Exhibit 3**). The requested reduction would be \$2,278,000 or 20%. On November 13<sup>th</sup>, 2020 we requested supporting information and a signed authorization letter from the preparer. As of January 7<sup>th</sup>, 2021, the preparer has failed to provide any documentation that either supports the requested reduced value, or indicates authorization to appeal the value of the subject property.

## **Equity Analysis**

The subject property is valued at \$11,398,000 or \$28,353/ per pad site.

Analysis for assessment uniformity concluded that similar competing mobile home parks have a 2018 assessed value per mobile home site in the range of \$12,810 to \$28,353 with a median and mean around \$19,000 per site (**Exhibit 4**). The valuation of the subject is higher than its competitors. However, the subject offers superior amenities and overall conditions when compared to other parks.

## **Value Analysis**

### **Cost Approach**

Overall, comparable vacant land sales indicate a range in value from \$2.90/sf - \$5.78/sf (**Exhibit 5**). Based on the analysis, the 2018 land valuation of the subject of \$2.00/sf is supported. The site improvements are estimated at \$4,864,000.

### **Sales Comparison Approach**

In the Direct Sales Comparison approach, the common element of comparison is the price per mobile home site (pad). Among the comparable sales analyzed from 2011 – 2019, the price per site ranges from \$21,458 to \$39,260 with a median of \$31,376. Based on this analysis, the 2018 subject valuation of \$28,353/per site is supported (**Exhibit 6**).

### **Income Approach**

No income and expense information was provided by the preparer. Our income analysis uses information typical for the market. Analysis of rents for mobile home sites indicate a range of \$385 to \$530 per site. We estimate the subject rent to be \$500 per site. We deducted a vacancy rate of 16% and an expense ratio of 30% to arrive at an estimated net operating income (NOI). We then applied a 10% capitalization rate to the estimated NOI to arrive at a value of \$15,149,000 or \$37,685/per site.

## **ASSESSMENT DEPARTMENT RECOMMENDATION**

We were unable to find any data that supports a reduction in market value for the 2018 tax year. Documentation supporting the requested value of \$9,120,000 has not been provided. Nor has the property owner confirmed that the preparer has authorization to appeal this value. Thus, we recommend retaining the true and full value for 2018.

## **Suggested Motion(s):**

**Retain the value of \$11,398,000 for 2018**



# Buena Vista Mobile Home Park

Parcel Number: 01-0275-00010-000

4301 El Tora Blvd S

Owner: MHC Buena Vista LLC

## Exhibit 1

### Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District Fargo  
County of Cass Property I.D. No. 01-0275-00010-000  
Name MHC BUENA VISTA LLC Telephone No. (701) 237-8212  
Address 4301 EL TORA BLVD S FARGO ND 58103

Legal description of the property involved in this application:

1 BUENA VISTA COURTS LOT 1 BLK 1

Total true and full value of the property described above for the year 2018 is:

Land \$ 6,534.000  
Improvements \$ 4,864.000  
Total \$ 11,398.000

(1)

Total true and full value of the property described above for the year 2018 should be:

Land \$ 5,198.400  
Improvements \$ 3,921.600  
Total \$ 9,120.000

(2)

The difference of \$ 2,278.000 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ \_\_\_\_\_ Date of purchase \_\_\_\_\_  
Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) \_\_\_\_\_  
Was there personal property involved in the purchase price? yes/no \_\_\_\_\_ Estimated value: \$ \_\_\_\_\_  
2. Has the property been offered for sale on the open market? yes/no \_\_\_\_\_ If yes, how long? \_\_\_\_\_  
Asking price: \$ \_\_\_\_\_ Terms of sale: \_\_\_\_\_  
3. The property was independently appraised. yes/no \_\_\_\_\_ Purpose of appraisal: \_\_\_\_\_  
Market value estimate: \$ \_\_\_\_\_  
Appraisal was made by whom? \_\_\_\_\_  
4. The applicant's estimate of market value of the property involved in this application is \$ \_\_\_\_\_  
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): \_\_\_\_\_

Applicant asks that the assessment, which presently exceeds the true and full value of the subject property, be  
reduced to the actual true and full market value of the property as estimated by the taxpayer.

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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_

Date 10/30/20

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

# Buena Vista Mobile Home Park

Parcel Number: 01-0275-00010-000

4301 El Tora Blvd S

Owner: MHC Buena Vista LLC

## Exhibit 1 Cont...

### Recommendation of the Governing Body of the City or Township

Recommendation of the governing body of \_\_\_\_\_

On \_\_\_\_\_ the governing body of this municipality, after examination of this application and the facts presented, has passed a resolution recommending to the Board of County Commissioners that the application be \_\_\_\_\_

\_\_\_\_\_

City Auditor or Township Clerk

### Action by the Board of County Commissioners

\_\_\_\_\_ by action of \_\_\_\_\_ County Board of Commissioners

Based upon an examination of the facts and the provisions of North Dakota Century Code § 51-23-01, we approve this application. The taxable valuation is reduced from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ and the taxes are reduced accordingly. The taxes refund will be refunded to the extent of \$ \_\_\_\_\_. The Board accepts \$ \_\_\_\_\_ in settlement of taxes for the year \_\_\_\_\_.

We report this application in whole or in part for the following reasons: (Detailed explanation of the valuation reduction is required.)

\_\_\_\_\_

County Auditor: \_\_\_\_\_ Chairperson: \_\_\_\_\_

### Certification of County Auditor

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

Year	Assessed Value	Tax	Date Paid of cash	Payment Made Under Written Promise?
				yes/no

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

### Application For Abatement Or Refund Of Taxes

Name of Applicant

MHC Buena Vista LLC

County Auditor's File No.

4490

Date Application Was Filed With The County Auditor

10/31/20

Date County Auditor Mailed Application to Township Clerk or City Auditor

11/2/20



# Buena Vista Mobile Home Park

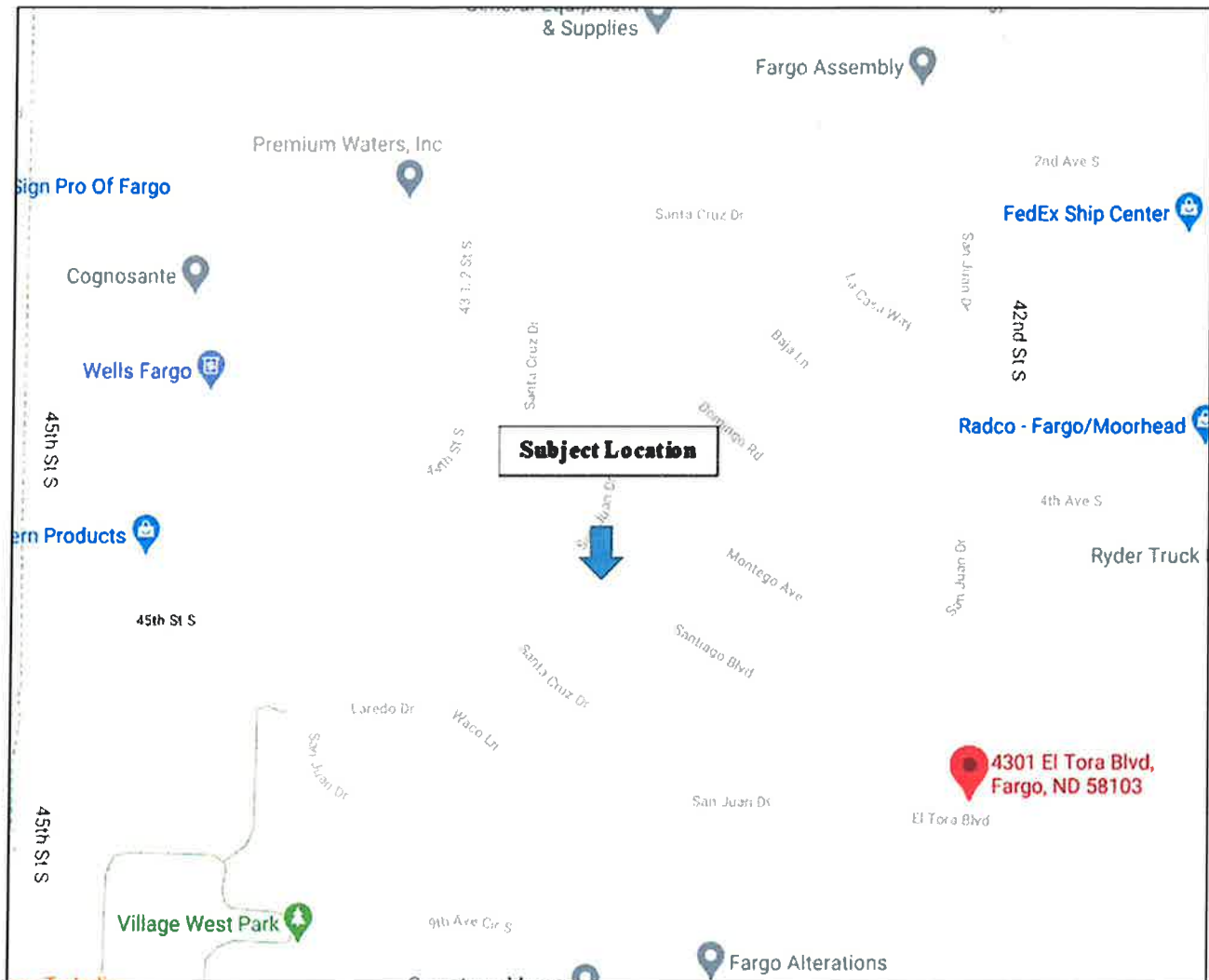
Parcel Number: 01-0275-00010-000

4301 El Tora Blvd S

Owner: MHC Buena Vista LLC

## Exhibit 2

### Site Location



**Buena Vista Mobile Home Park***Parcel Number: 01-0275-00010-000***4301 El Tora Blvd S**

Owner: MHC Buena Vista LLC

**Exhibit 3****True & Full Valuation History**

Year	Seg	Use	Full Land	Full Impr	Full Total
2021	1	C	7,351,000	6,680,000	14,031,000
2020	1	C	7,351,000	6,680,000	14,031,000
2019	1	C	6,534,000	4,864,000	11,398,000
2018	1	C	6,534,000	4,864,000	11,398,000
2017	1	C	2,940,000	2,026,800	4,966,800
2016	1	C	2,940,000	2,026,800	4,966,800

## Parcel Number: 01-0275-00010-000

Owner: MHC Buena Vista LLC

**Exhibit 4**

### Equity Analysis

Address	Park Name	Year	LandValue	ImprValue	T&F Value	# Sites	\$/Site
4301 EL TORA	BUENA VISTA	2018	\$ 6,534,000	\$ 4,864,000	\$ 11,398,000	402	\$ 28,353
2400 5 AVE S	COUNTRY SIDE PARK	2018	\$ 1,244,000	\$ 1,407,600	\$ 2,651,600	207	\$ 12,810
3220 12 AVE N	MEADOW PARK	2018	\$ 1,353,000	\$ 996,000	\$ 2,349,000	123	\$ 19,098
3502 10 ST N	RIVIERA HEIGHTS	2018	\$ 1,833,000	\$ 1,344,000	\$ 3,177,000	160	\$ 19,856
402 35 AVE N	VAN RADEN HOMES	2018	\$ 2,018,000	\$ 1,864,000	\$ 3,882,000	222	\$ 17,486
					Mean	223	19,521
					Median	207	19,098
					Min	123	12,810
					Max	402	28,353



**Buena Vista Mobile Home Park**

Parcel Number: 01-0275-00010-000

**4301 El Tora Blvd S**

Owner: MHC Buena Vista LLC

**Exhibit 5****Comparable Land Sales**

Location	Date	Adj Sale Price	Land/sf		\$/sf
1330 55 ST N	9/11/2017	\$ 437,700	75,667	\$	5.78
6207 53 AVE S	6/30/2015	\$ 401,700	69,707	\$	5.76
3472 41 ST S	10/10/2016	\$ 224,980	39,112	\$	5.75
3483 39 ST S	10/10/2016	\$ 225,000	39,485	\$	5.70
3501 WESTRAC DR S	1/6/2015	\$ 440,900	78,408	\$	5.62
1350 55 ST N	9/11/2017	\$ 350,000	63,217	\$	5.54
1825 38 ST S	2/11/2015	\$ 174,500	33,656	\$	5.18
1833 38 ST S	2/11/2015	\$ 188,800	36,459	\$	5.18
1841 38 ST S	2/11/2015	\$ 217,300	42,123	\$	5.16
3515 4 AVE S	6/2/2015	\$ 342,000	68,389	\$	5.00
1626 TOM WILLIAMS DR S	6/19/2017	\$ 226,000	45,813	\$	4.93
2161 3 AVE N	8/29/2018	\$ 310,100	75,250	\$	4.12
5501 53 AVE S	10/11/2018	\$ 141,300	35,794	\$	3.95
5012 47 ST S	6/23/2017	\$ 209,900	57,645	\$	3.64
5451 53 AVE S	10/11/2018	\$ 196,900	61,730	\$	3.19
5406 53 AVE S	5/18/2016	\$ 127,400	43,918	\$	2.90
	Mean		54,148	\$	4.84
	Median		51,729	\$	5.17
	Min		33,656	\$	2.90
	Max		78,408	\$	5.78

**Subject**

4301 El Tora Blvd S	2018 Tax Year	\$ 6,534,000	3,267,000	\$	2.00
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# Buena Vista Mobile Home Park

Parcel Number: 01-0275-00010-000

4301 El Tora Blvd S

Owner: MHC Buena Vista LLC

## Exhibit 6

### Comparable Sales Analysis

Name	City	Sale Date	Sale Price		\$/Lot	# of Lots
Brookwood Mobile Home Park	West Fargo	08/28/19	\$	14,918,774	\$	39,260
Buena Vista	Fargo	08/01/11	\$	15,119,300	\$	37,610
Columbia Heights Park	Grand Forks	08/06/12	\$	10,385,647	\$	34,390
Countryside	Fargo	08/28/19	\$	4,965,722	\$	23,989
Gateway Terrace	Grand Forks	07/08/16	\$	7,781,230	\$	31,376
Mobile Manor	Moorhead	01/03/17	\$	1,030,000	\$	21,458
President's Park	Grand Forks	08/06/12	\$	4,266,695	\$	26,016
Regal Estates	Moorhead	10/31/13	\$	6,575,000	\$	27,743
Riviera Heights	Fargo	08/28/19	\$	5,606,700	\$	35,042
			Mean		\$	30,765
			Median		\$	31,376
			Min		\$	21,458
			Maximum		\$	39,260

236

**January 7, 2021**

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Attached is the *Application for Abatement or Refund of Taxes #4491* prepared by David Tibbals of Fredrikson & Byron, PA. The application is for MHC Meadow Park, LLC located at 3340 12 Ave N, and is requesting a reduction in value from \$73,000 to \$63,000 in 2018.

We have included information regarding the valuation of this property and a comparison to similar properties for equity and the market. No authorizing letter was presented by the preparing entity, and no supporting evidence for a reduction was provided for analysis.

**SUGGESTED MOTION:**

**Denial of the Application of Abatement or Refund of Taxes #4491 on 3340 12 Ave N. and retain the 2018 value.**

Sincerely,



Michael Splonskowski  
Fargo City Assessor



City of Fargo Assessment Department

# Meadow Park Vacant Lot

2018 ~ Abatement Number 4491



**Assessment Department Recommendation**  
**01-11-2021**

# Meadow Park Vacant Lot

Parcel Number: 01-1900-00010-000

3340 12 AVE N

Owner: MHC Meadow Park LLC

## Appeal Summary

MHC Meadow Park LLC (appellant) is appealing the true and full value (value) of 3340 12 Avenue North (subject) for the 2018 tax year. The preparer, David Tibbals of Fredrikson & Byron, P.A, filed an "Application for Abatement Refund of Taxes" for the mentioned year (**Exhibit 1**). The application was dated 10/30/2020, one day before the deadline to apply for the 2018 tax year. The application was not signed by the applicant; nor was an authorization letter provided by the preparer.

The preparer is requesting a value of \$63,000. The value of the subject property for 2018 is \$73,000 (**Exhibit 2**). The requested reduction would be \$10,000 or close to 14%. On November 13<sup>th</sup>, 2020 our office requested supporting information from the applicant. The applicant has failed to provide any documentation supporting a reduction.

The subject is a vacant lot, rectangular in shape with approximately 250' of frontage on 12<sup>th</sup> Avenue North (**Exhibit 3**). It measures 52,428 square feet or 1.2 acres. The property is currently zoned Limited Commercial.

The subject, combined with two other adjacent parcels, sold on 09/01/2011 for \$3,326,000. The adjacent parcels contain a convenience store, and a mobile home park. The total 2018 assessed value for those three parcels is \$2,846,300. The applicant is asking for a combined parcel value of \$2,100,000.

## Equity Analysis

The subject is valued at \$73,000 or \$1.40/ sf as vacant land, which includes a -15% adjustment for limited utilities to the site.

Analysis for assessment uniformity concluded that similar vacant sites had an assessed value of approximately \$2.75/sf. The value of the subject is in-line, if not low, when compared to similar properties. Thus we found no equity issues with the value of the subject.

## Value Analysis

The cost and income approaches to value were not considered or utilized in the valuation analysis as these approaches are not applicable.

Sales data from 2015-2018 were researched for land sales considered comparable to the subject property. The sales recapped in (**Exhibit 4**) indicate a price range between \$2.90 and \$5.78 per square foot. The subject is valued at \$1.40 per square foot, which places it outside of the low end of the range. This supports the 2018 value; if not indicating that the value is low compared to market sales.

## ASSESSMENT DEPARTMENT RECOMMENDATION

We were unable to find any data that supports a reduction in market value for the 2018 tax year. Documentation supporting the requested value of \$63,000 has not been provided. Nor has the property owner confirmed that the preparer has authorization to appeal this value. Thus, we recommend retaining the true and full value for 2018.

## Suggested Motion(s):

**Retain the value of \$73,000 for 2018**

# Meadow Park Vacant Lot

Parcel Number: 01-1900-00010-000

3340 12 AVE N

Owner: MHC Meadow Park LLC

## Exhibit 1

### Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District Fargo  
County of Cass Property I.D. No. 01-1900-00010-000  
Name MHC MEADOW PARK LLC Telephone No. (701) 237-8212  
Address 3340 12 AVE N FARGO ND 58102

Legal description of the property involved in this application:

Lot: 1 Block: 1 MEADOW PARK LOT 1 BLK 1

Total true and full value of the property described above for the year 2018 is:

Land \$ 73,000  
Improvements \$ 0  
Total \$ 73,000  
(1)

Total true and full value of the property described above for the year 2018 should be:

Land \$ 63,000  
Improvements \$ 0  
Total \$ 63,000  
(2)

The difference of \$ 10,000 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N D C C § 57-02-37.2
- ☒ 2. Residential or commercial property's true and full value exceeds the market value
- ☐ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N D C C § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☐ 9. Property qualifies for Homestead Credit (N D C C § 57-02-08.1) or Disabled Veterans Credit (N D C C § 57-02-08.8). Attach a copy of the application
- ☐ 10. Other (explain) \_\_\_\_\_

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

1. Purchase price of property \$ \_\_\_\_\_ Date of purchase \_\_\_\_\_  
Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) \_\_\_\_\_  
Was there personal property involved in the purchase price? \_\_\_\_\_ Estimated value \$ \_\_\_\_\_  
yes/no
2. Has the property been offered for sale on the open market? \_\_\_\_\_ If yes, how long? \_\_\_\_\_  
yes/no  
Asking price: \$ \_\_\_\_\_ Terms of sale \_\_\_\_\_
3. The property was independently appraised \_\_\_\_\_ Purpose of appraisal \_\_\_\_\_  
yes/no  
Market value estimate \$ \_\_\_\_\_  
Appraisal was made by whom? \_\_\_\_\_
4. The applicant's estimate of market value of the property involved in this application is \$ \_\_\_\_\_
5. The estimated agricultural productive value of this property is excessive because of the following condition(s) \_\_\_\_\_

Applicant asks that the assessment, which presently exceeds the true and full value of the subject property, be  
reduced to the actual true and full market value of the property as estimated by the taxpayer.

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

I declare under the penalties of N D C C § 12-1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

David B. Tibbels  
Signature of Preparer (if other than applicant)

10/30/20  
Date

Signature of Applicant

Date



# Meadow Park Vacant Lot

Parcel Number: 01-1900-00010-000

3340 12 AVE N

Owner: MHC Meadow Park LLC

## Exhibit 1 Cont...

### Recommendation of the Governing Body of the City or Township

Recommendation of the governing body of \_\_\_\_\_

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_

City Auditor or Township Clerk

### Action by the Board of County Commissioners

Application was \_\_\_\_\_ by action of \_\_\_\_\_ County Board of Commissioners

Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-21.04, we approve this application. The taxable valuation is reduced from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ \_\_\_\_\_. The Board assesses \$ \_\_\_\_\_ in delinquent taxes for the tax year \_\_\_\_\_.

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

Dated \_\_\_\_\_

County Auditor

Chairperson

### Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

Application For Abatement  
Or Refund Of Taxes

Name of Applicant

MHC Meadow Park LLC

County Auditor's File No.

4491

Date Application Was Filed  
With The County Auditor

10/30/20

Date County Auditor Mailed  
Application to Township  
Clerk or City Auditor

11/2/20

(Seal has to be in the custody of Public Law)

# Meadow Park Vacant Lot

Parcel Number: 01-1900-00010-000

3340 12 AVE N

Owner: MHC Meadow Park LLC

## Exhibit 2

### True & Full Valuation History

Year	Seg	Use	Full Land	Full Impr	Full Total
2021	1	C ▼	156,000	0	156,000
2020	1	C ▼	156,000	0	156,000
2019	1	C ▼	156,000	0	156,000
2018	1	C ▼	73,000	0	73,000
2017	1	C ▼	73,000	0	73,000
2016	1	C ▼	73,000	0	73,000

# Meadow Park Vacant Lot

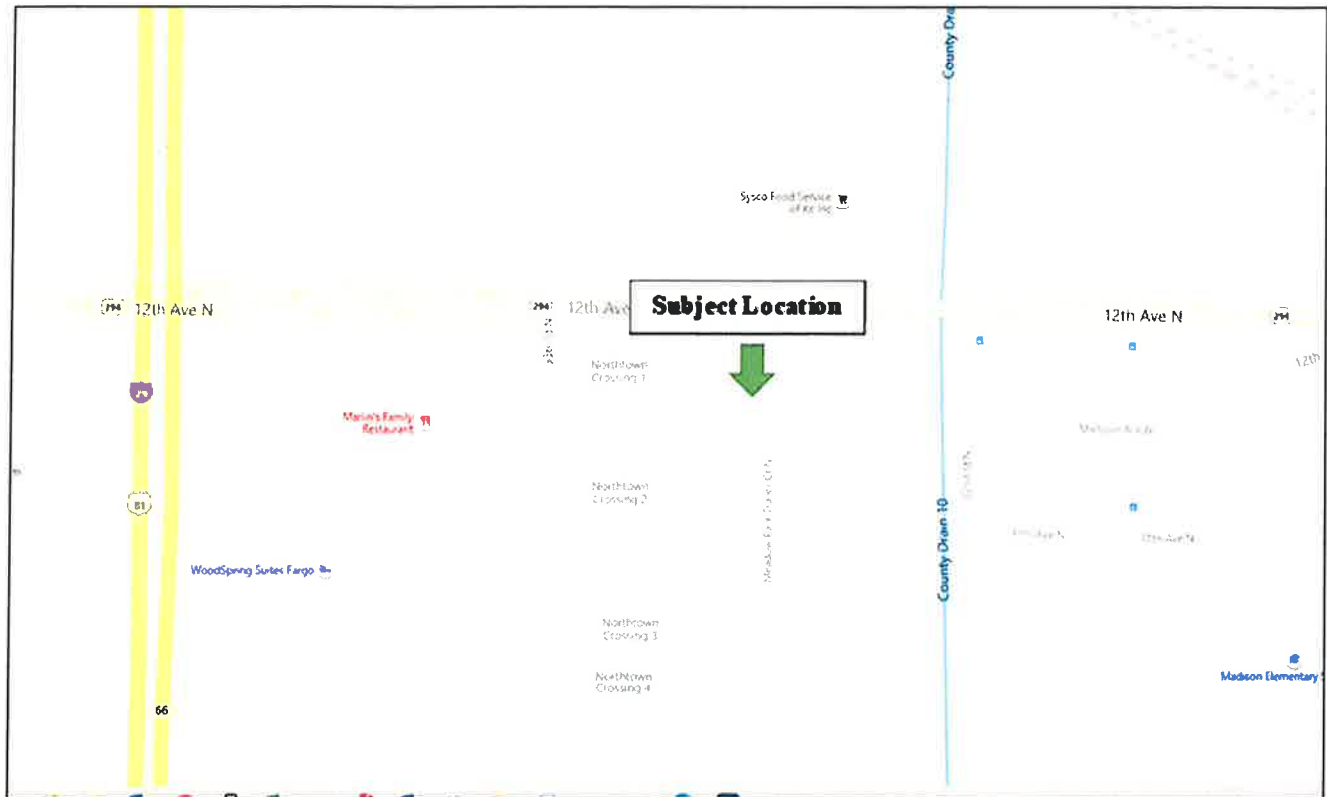
Parcel Number: 01-1900-00010-000

3340 12 AVE N

Owner: MHC Meadow Park LLC

## Exhibit 3

### Site Location





**Meadow Park Vacant Lot**

Parcel Number: 01-1900-00010-000

**3340 12 AVE N**

Owner: MHC Meadow Park LLC

**Exhibit 4****Comparable Land Sales Recapped**

Location	Date	Adj Sale Price	Land/sf		\$/sf
1330 55 ST N	9/11/2017	\$ 437,700	75,667	\$	5.78
6207 53 AVE S	6/30/2015	\$ 401,700	69,707	\$	5.76
3472 41 ST S	10/10/2016	\$ 224,980	39,112	\$	5.75
3483 39 ST S	10/10/2016	\$ 225,000	39,485	\$	5.70
3501 WESTRAC DR S	1/6/2015	\$ 440,900	78,408	\$	5.62
1350 55 ST N	9/11/2017	\$ 350,000	63,217	\$	5.54
1825 38 ST S	2/11/2015	\$ 174,500	33,656	\$	5.18
1833 38 ST S	2/11/2015	\$ 188,800	36,459	\$	5.18
1841 38 ST S	2/11/2015	\$ 217,300	42,123	\$	5.16
3515 4 AVE S	6/2/2015	\$ 342,000	68,389	\$	5.00
1626 TOM WILLIAMS DR S	6/19/2017	\$ 226,000	45,813	\$	4.93
2161 3 AVE N	8/29/2018	\$ 310,100	75,250	\$	4.12
5501 53 AVE S	10/11/2018	\$ 141,300	35,794	\$	3.95
5012 47 ST S	6/23/2017	\$ 209,900	57,645	\$	3.64
5451 53 AVE S	10/11/2018	\$ 196,900	61,730	\$	3.19
5406 53 AVE S	5/18/2016	\$ 127,400	43,918	\$	2.90
	Mean		54,148	\$	4.84
	Median		51,729	\$	5.17
	Min		33,656	\$	2.90
	Max		78,408	\$	5.78
<b>Subject</b>					
3340 12 AVE N	2018 Tax Year	\$ 73,000	52,428	\$	1.40

23c

**January 7, 2021**

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:


Attached is the *Application for Abatement or Refund of Taxes #4492* prepared by David Tibbals of Fredrikson & Byron, PA. The application is for MHC Meadow Park, LLC located at 3220 12 Ave N, and is requesting a reduction in value from \$2,349,000 to \$1,722,000 in 2018.

We have included information regarding the valuation of this property and a comparison to similar properties for equity and the market. No authorizing letter was presented by the preparing entity, and no supporting evidence for a reduction was provided for analysis.

**SUGGESTED MOTION:**

**Denial of the Application of Abatement or Refund of Taxes #4492 on 3220 12 Ave N. and retain the 2018 value.**

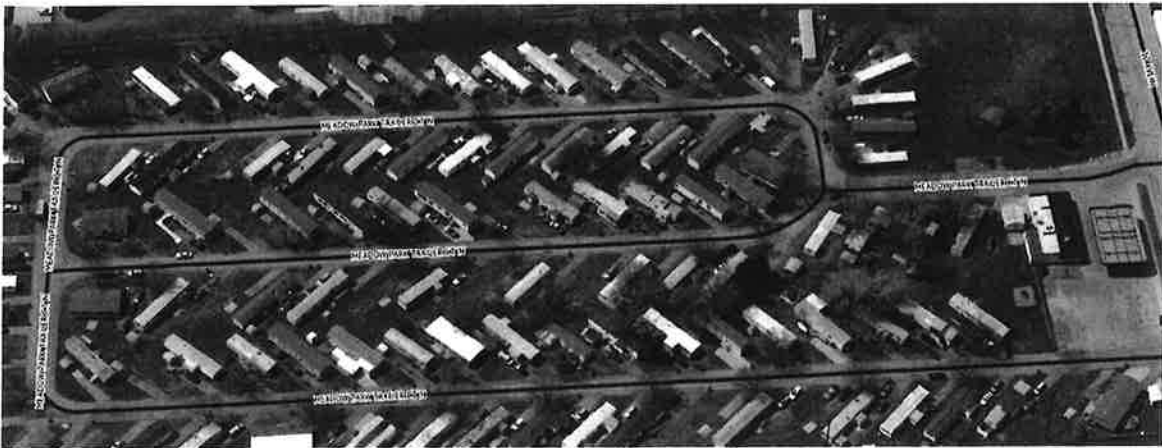
Sincerely,

  
Michael Splonskowski  
Fargo City Assessor

**City of Fargo Assessment Department**

# **Meadow Park Mobile Home Park**

2018 ~ Abatement Number 4492



**Assessment Department Recommendation**  
**01-11-2021**



# Meadow Park Mobile Home Park

Parcel Number: 01-1900-00020-000

3220 12 AVE N

Owner: MHC Meadow Park LLC

## Appeal Summary

MHC Buena Vista LLC (appellant) is appealing the true and full value (value) of 3220 12 Ave N (subject) for the 2018 tax year. The preparer, David Tibbals of Fredrikson & Byron, P.A, filed an "Application for Abatement Refund of Taxes" for the mentioned year (**Exhibit 1**). The application was dated 10/30/2020, one day before the deadline to apply for the 2018 tax year. The application was not signed by the applicant; nor was an authorization letter provided by the preparer.

The preparer is requesting a value of \$1,722,000. The value of the subject for 2018 is \$2,349,000 (**Exhibit 2**). The requested reduction would be \$627,000, or close to 27%. On November 13<sup>th</sup>, 2020 we requested supporting information from the preparer. The preparer has failed to provide any documentation supporting a reduction.

The subject is a 117 pad mobile home park, situated on 15.50 acres. It has ingress and egress off 12<sup>th</sup> Avenue North (**Exhibit 3**). The property currently is Zone 1 MHP and Zone 2 LC.

The subject, combined with two other adjacent parcels, sold on 09/01/2011 for \$3,326,000. The adjacent parcels contain a convenience store, and a vacant lot. The total 2018 assessed value for those three parcels is \$2,846,300. The applicant is asking for a combined parcel value of \$2,100,000.

## Equity Analysis

The subject property is valued at \$2,349,000 or \$20,077 per pad site.

Analysis for assessment uniformity concluded that similar competing mobile home parks have an assessed value per mobile home pad in the range of \$12,810 to \$28,353, with a median and mean around \$19,000 per site (**Exhibit 4**). The valuation of the subject is in-line when comparing the values of similar properties. Thus we found no equalization problems with the value of the subject.

## Value Analysis

### Cost Approach

Comparable vacant land sales indicate a range in price from \$2.90/sf - \$5.78/sf (**Exhibit 5**). Based on the analysis, the 2018 land valuation of the subject of \$2.00/sf is supported. The site improvements are estimated at \$1,380,000.

### Sales Comparison Approach

In the direct sales comparison approach, the common element of comparison is the price per mobile home site (pad). Among the comparable sales analyzed from 2011 – 2019, the price per site ranges from \$21,458 to \$39,260 with a median of \$31,376. Based on this analysis, the 2018 subject valuation of \$20,077 per site is supported (**Exhibit 6**).

### Income Approach

No income and expense information was provided by the preparer. Our income analysis uses information typical for the market. Analysis of rents for mobile home sites indicate a range of \$385 to \$530 per site. We estimate the subject rent to be \$500 per site. We deducted the actual vacancy rate of 23% and an expense ratio of 30% to arrive at an estimated net operating income (NOI). We then applied a 10% capitalization rate to the estimated NOI to arrive at a value of \$4,022,000 or \$34,375/per site.

## ASSESSMENT DEPARTMENT RECOMMENDATION

We were unable to find sufficient data that supports a reduction in market value for the 2018 tax year. Documentation supporting the requested value of \$1,722,000 has not been provided. Nor has the property owner confirmed that the preparer has authorization to appeal this value. Thus, we recommend retaining the true and full value for 2018.

## Suggested Motion(s):

**Retain the value of \$2,349,000 for 2018**

# Meadow Park Mobile Home Park

Parcel Number: 01-1900-00020-000

3220 12 AVE N

Owner: MHC Meadow Park LLC

## Exhibit 1

### Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District Fargo  
County of Cass Property I.D. No. 01-1900-00020-000  
Name MHC MEADOW PARK LLC Telephone No. (701) 237-8212  
Address 3220 12 AVE N FARGO ND 58102

Legal description of the property involved in this application:

Lot: 3 Block: 1 MEADOW PARK LOTS 3 & 4 BLK 1 AND PT LOT 2 DESC AS: COMM 40' S OF NE COR LOT 2 THEN W 61' THEN S 80' THEN W 180.05' TO W LN LOT 2 THE NS & ALG W LN LOT 2 FOR 90' THEN E & ALG S LN LOT 2 FOR 241.05' THEN N & ALG E LN LOT 2 FOR 170' TO BEG

Total true and full value of the property described above for the year 2018 is:  
Land \$ 1,353,000  
Improvements \$ 996,000  
Total \$ 2,349,000  
(1)

Total true and full value of the property described above for the year 2018 should be:  
Land \$ 990,150  
Improvements \$ 731,850  
Total \$ 1,722,000  
(2)

The difference of \$ 627,000 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ \_\_\_\_\_ Date of purchase: \_\_\_\_\_  
Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) \_\_\_\_\_  
Was there personal property involved in the purchase price? yes/no \_\_\_\_\_ Estimated value: \$ \_\_\_\_\_
2. Has the property been offered for sale on the open market? yes/no \_\_\_\_\_ If yes, how long? \_\_\_\_\_  
Asking price: \$ \_\_\_\_\_ Terms of sale: \_\_\_\_\_
3. The property was independently appraised: yes/no \_\_\_\_\_ Purpose of appraisal: \_\_\_\_\_  
\_\_\_\_\_ Market value estimate: \$ \_\_\_\_\_  
Appraisal was made by whom? \_\_\_\_\_
4. The applicant's estimate of market value of the property involved in this application is \$ \_\_\_\_\_
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): \_\_\_\_\_

Applicant asks that the assessment, which presently exceeds the true and full value of the subject property, be  
reduced to the actual true and full market value of the property as estimated by the taxpayer.

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

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

Signature of Preparer (if other than Applicant) [Signature] Date 10/30/20 Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

24275  
(2-2018)

# Meadow Park Mobile Home Park

Parcel Number: 01-1900-00020-000

3220 12 AVE N

Owner: MHC Meadow Park LLC

## Exhibit 1 Cont...

### Recommendation of the Governing Body of the City or Township

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
City Auditor or Township Clerk

### Action by the Board of County Commissioners

Application was \_\_\_\_\_ by action of \_\_\_\_\_ County Board of Commissioners  
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-25-04, we approve this application. The taxable valuation is reduced from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ \_\_\_\_\_. The Board accepts \$ \_\_\_\_\_ in full settlement of taxes for the \_\_\_\_\_

We reject this application in whole or in part for the following reason(s): Written explanations of the rationale for the decision must be attached \_\_\_\_\_

Dated \_\_\_\_\_  
County Auditor \_\_\_\_\_ Chairperson

### Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor \_\_\_\_\_ Date \_\_\_\_\_

### Application For Abatement Or Refund Of Taxes

Name of Applicant

MHC Meadow Park LLC

County Auditor's File No.

4492

Date Application Was Filed With The County Auditor

10/30/20

Date County Auditor Mailed Application to Township Clerk or City Auditor

11/2/20

(Good for 60 days, expires 12/2/20)



# Meadow Park Mobile Home Park

Parcel Number: 01-1900-00020-000

3220 12 AVE N

Owner: MHC Meadow Park LLC

## Exhibit 2

### True & Full Valuation History

Year	Seg	Use	Full Land	Full Impr	Full Total
2021	1	C ▼	1,522,000	1,954,000	3,476,000
2020	1	C ▼	1,522,000	1,954,000	3,476,000
2019	1	C ▼	1,353,000	996,000	2,349,000
2018	1	C ▼	1,353,000	996,000	2,349,000
2017	1	C ▼	862,000	983,300	1,845,300
2016	1	C ▼	862,000	983,300	1,845,300

# Meadow Park Mobile Home Park

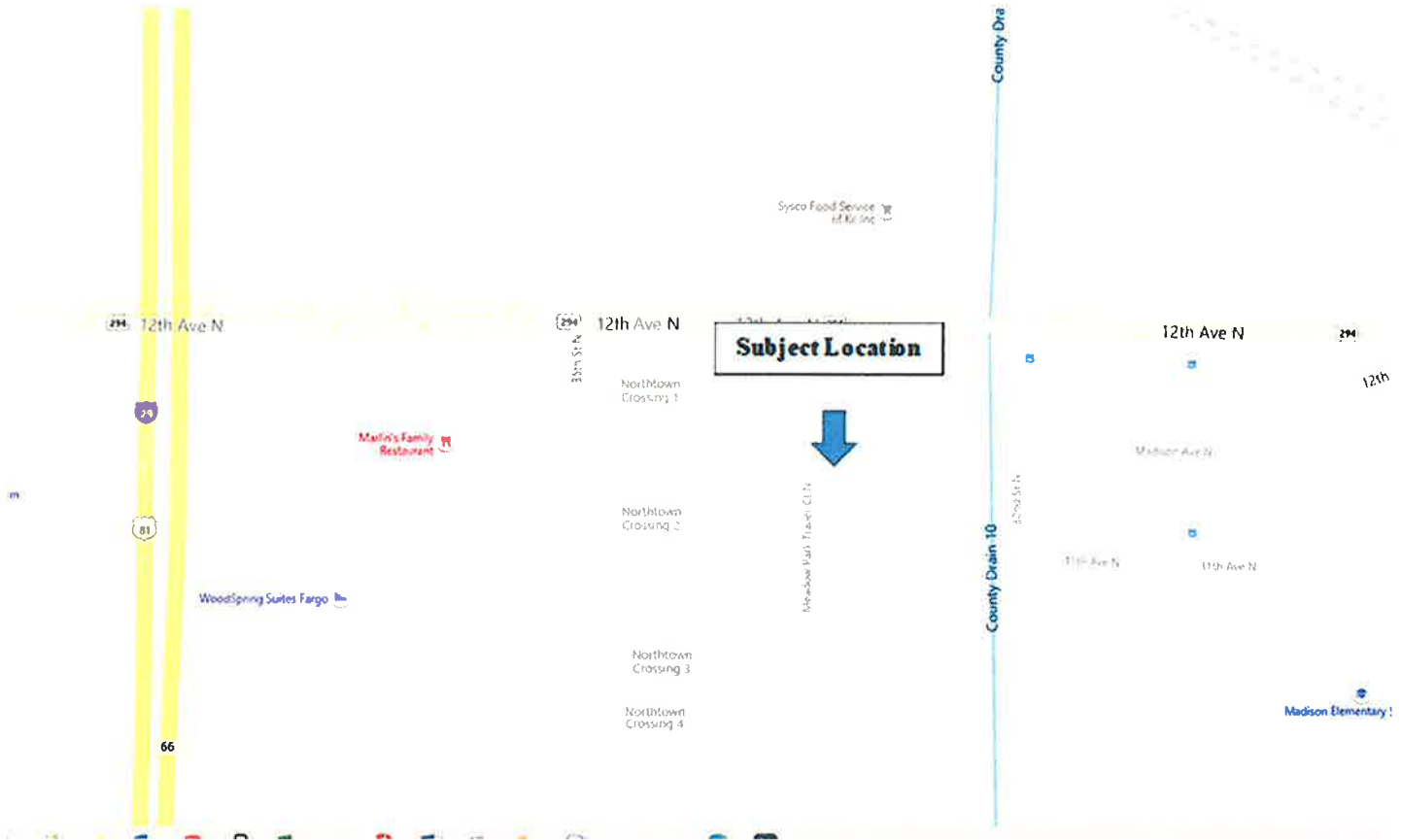
Parcel Number: 01-1900-00020-000

3220 12 AVE N

Owner: MHC Meadow Park LLC

## Exhibit 3

### Site Location



## Parcel Number: 01-1900-00020-000

Owner: MHC Meadow Park LLC

### Equity Analysis

Address	Park Name	Year	LandValue	ImprValue	T &F Value	# Sites	\$/Site
4301 EL TORA	BUENA VISTA	2018	\$6,534,000	\$4,864,000	\$11,398,000	402	\$ 28,353
2400 5 AVE S	COUNTRY SIDE PARK	2018	\$1,244,000	\$1,407,600	\$ 2,651,600	207	\$ 12,810
3220 12 AVE N	MEADOW PARK	2018	\$1,353,000	\$ 996,000	\$ 2,349,000	117	\$ 20,077
3502 10 ST N	RIVIERA HEIGHTS	2018	\$1,833,000	\$1,344,000	\$ 3,177,000	164	\$ 19,372
402 35 AVE N	VAN RADEN HOMES	2018	\$2,018,000	\$1,864,000	\$ 3,882,000	222	\$ 17,486
					Mean	222	19,620
					Median	207	19,372
					Min	117	12,810
					Max	402	28,353



**Meadow Park Mobile Home Park***Parcel Number: 01-1900-00020-000***3220 12 AVE N**

Owner: MHC Meadow Park LLC

**Exhibit 5****Comparable Land Sales**

Location	Date	Adj Sale Price	Land/sf	\$/sf
1330 55 ST N	9/11/2017	\$ 437,700	75,667	\$ 5.78
6207 53 AVE S	6/30/2015	\$ 401,700	69,707	\$ 5.76
3472 41 ST S	10/10/2016	\$ 224,980	39,112	\$ 5.75
3483 39 ST S	10/10/2016	\$ 225,000	39,485	\$ 5.70
3501 WESTRAC DR S	1/6/2015	\$ 440,900	78,408	\$ 5.62
1350 55 ST N	9/11/2017	\$ 350,000	63,217	\$ 5.54
1825 38 ST S	2/11/2015	\$ 174,500	33,656	\$ 5.18
1833 38 ST S	2/11/2015	\$ 188,800	36,459	\$ 5.18
1841 38 ST S	2/11/2015	\$ 217,300	42,123	\$ 5.16
3515 4 AVE S	6/2/2015	\$ 342,000	68,389	\$ 5.00
1626 TOM WILLIAMS DR S	6/19/2017	\$ 226,000	45,813	\$ 4.93
2161 3 AVE N	8/29/2018	\$ 310,100	75,250	\$ 4.12
5501 53 AVE S	10/11/2018	\$ 141,300	35,794	\$ 3.95
5012 47 ST S	6/23/2017	\$ 209,900	57,645	\$ 3.64
5451 53 AVE S	10/11/2018	\$ 196,900	61,730	\$ 3.19
5406 53 AVE S	5/18/2016	\$ 127,400	43,918	\$ 2.90
	Mean		54,148	\$ 4.84
	Median		51,729	\$ 5.17
	Min		33,656	\$ 2.90
	Max		78,408	\$ 5.78

**Subject**

3320 12 Ave N	2018 Tax Year	\$ 1,343,000	676,342	\$ 2.00
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# Meadow Park Mobile Home Park

Parcel Number: 01-1900-00020-000

3220 12 AVE N

Owner: MHC Meadow Park LLC

## Exhibit 6

### Comparable Sales Analysis

Name	City	SaleDate	Sale Price		\$/Lot	# of Lots
Brookwood Mobile Home Park	West Fargo	08/28/19	\$	14,918,774	\$	39,260
Buena Vista	Fargo	08/01/16	\$	15,119,300	\$	37,610
Columbia Heights Park	Grand Forks	08/06/12	\$	10,385,647	\$	34,390
Countryside	Fargo	08/28/19	\$	4,965,722	\$	23,989
Gateway Terrace	Grand Forks	07/08/16	\$	7,781,230	\$	31,376
Mobile Manor	Moorhead	01/03/17	\$	1,030,000	\$	21,458
President's Park	Grand Forks	08/06/12	\$	4,266,695	\$	26,016
Regal Estates	Moorhead	10/31/13	\$	6,575,000	\$	27,743
Riviera Heights	Fargo	08/28/19	\$	5,606,700	\$	35,042
			Mean		\$	30,765
			Median		\$	31,376
			Min		\$	21,458
			Maximum		\$	39,260

23d

**January 7, 2021**

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Attached is the *Application for Abatement or Refund of Taxes #4493* prepared by David Tibbals of Fredrikson & Byron, PA. The application is for MHC Meadow Park, LLC located at 3216 12 Ave N, and is requesting a reduction in value from \$424,300 to \$315,000 in 2018.

We have included information regarding the valuation of this property and a comparison to similar properties for equity and the market. No authorizing letter was presented by the preparing entity, and no supporting evidence for a reduction was provided for analysis.

**SUGGESTED MOTION:**

**Denial of the Application of Abatement or Refund of Taxes #4493 on 3216 12 Ave N. and retain the 2018 value.**

Sincerely,



Michael Splonskowski  
Fargo City Assessor



**City of Fargo Assessment Department**

# **Stamart Liquor Mart**

2018 ~ Abatement Number 4493



**Assessment Department Recommendation**  
**01-11-2021**

# **Stamart Liquor Mart**

Parcel Number: 01-1900-00025-000

**3216 12 AVE N**

Owner: MHC Meadow Park LLC

## **Appeal Summary**

MHC Buena Vista LLC (appellant) is appealing the true and full value (value) of 3216 12 Ave N (subject) for the 2018 tax year. The preparer, David Tibbals of Fredrikson & Byron, P.A, filed an "Application for Abatement Refund of Taxes" for the mentioned year (**Exhibit 1**). The application was dated 10/30/2020, one day before the deadline to apply for the 2018 tax year. The application was not signed by the applicant; nor was an authorization letter provided by the preparer.

The preparer is requesting a value of \$315,000. The value of the subject for 2018 is \$424,300 (**Exhibit 2**). The requested reduction would be \$109,300, or close to 26%. On November 13<sup>th</sup>, 2020 we requested supporting information from the preparer. The preparer has failed to provide any documentation supporting a reduction.

The subject consists of a lot irregular in shape with approximately 241' of frontage on 12<sup>th</sup> Avenue North (**Exhibit 3**), having 24,026 square feet of land area. There is a one story structure that measures 3,524 sf. The interior of the structure was gutted and re-fit in 2014/2015 for a Stamart Liquor Mart. In 2018 the fueling canopy and underground fuel tanks were in place. The property is currently zoned Limited Commercial.

The subject, combined with two other adjacent parcels, sold on 09/01/2011 for \$3,326,000. The adjacent parcels contain a 117 pad mobile home park, and a vacant lot. The total 2018 assessed value for those three parcels is \$2,846,300. The applicant is asking for a combined parcel value of \$2,100,000.

## **Equity Analysis**

The total value of subject property for the 2018 tax year is \$424,300. Similar competing properties indicate an assessed improvement value in the range of \$91.36/sf to \$130.80/sf, with a median and mean around \$105/sf (**Exhibit 4**). The valuation of the subject improvement, at \$103/sf, is in line when comparing the assessed values of similar properties.

Improved nearby lots indicate an assessed valuation in the range of \$3.50/sf. Thus, the valuation of the subject at approximately \$3.00/sf is in-line, if not lower when comparing the assessed values of similar properties.

## **Value Analysis**

The 2018 value was based on the cost approach. The cost approach can be summarized by adding the land value to the depreciated replacement cost.

## **Sales Comparison Approach**

In the direct sales comparison approach, the common element of comparison is the price per square foot. Among the comparable sales analyzed from 2014 – 2018, the sales price for the improvement range from approximately \$83.75 to \$114.55 per/sf, with a median of \$106/sf. Based on the analysis, the 2018 subject valuation of \$424,300, or approximately \$103/sf, is supported (**Exhibit 5**).

## **ASSESSMENT DEPARTMENT RECOMMENDATION**

We were unable to find sufficient data that supports a reduction in market value for the 2018 tax year. Documentation supporting the requested value of \$315,000 has not been provided. Nor has the property owner confirmed that the preparer has authorization to appeal this value. Thus, we recommend retaining the true and full value for 2018.

## **Suggested Motion(s):**

**Retain the value of \$424,300 for 2018**

**Exhibit 1**

**Application For Abatement Or Refund Of Taxes**  
North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District Fargo  
County of Cass Property I.D. No. 01-1900-00025-000  
Name MHC MEADOW PARK LLC Telephone No. (701) 237-8212  
Address 3216 12 AVE N FARGO ND 58102

Legal description of the property involved in this application:

Lot: 2 Block: 1 MEADOW PARK PT LOT 2 BLK 1 COMM NE COR LOT 2 THEN W & ALG N LN LOT 2 FOR 241.05' THE NS & ALG W LN LOT 2 FOR 120' THEN E FOR 180.05' THEN N 80' THEN E 61' THEN N ALG E LN LOT 2 FOR 40' TO BEG

Total true and full value of the property described above for the year 2018 is:  
Land \$ 72,000  
Improvements \$ 352,300  
Total \$ 424,300  
(1)

Total true and full value of the property described above for the year 2018 should be:  
Land \$ 53,550  
Improvements \$ 261,450  
Total \$ 315,000  
(2)

The difference of \$ 109,300 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-27-22
- ☒ 2. Residential or commercial property's true and full value exceeds the market value
- ☐ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complaintant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☐ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☐ 10. Other (explain) \_\_\_\_\_

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

- 1. Purchase price of property: \$ \_\_\_\_\_ Date of purchase: \_\_\_\_\_  
Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) \_\_\_\_\_  
Was there personal property involved in the purchase price? yes/no \_\_\_\_\_ Estimated value: \$ \_\_\_\_\_
- 2. Has the property been offered for sale on the open market? yes/no \_\_\_\_\_ If yes, how long? \_\_\_\_\_  
Asking price: \$ \_\_\_\_\_ Terms of sale: \_\_\_\_\_
- 3. The property was independently appraised: yes/no \_\_\_\_\_ Purpose of appraisal: \_\_\_\_\_  
Market value estimate: \$ \_\_\_\_\_  
Appraisal was made by whom? \_\_\_\_\_
- 4. The applicant's estimate of market value of the property involved in this application is \$ \_\_\_\_\_
- 5. The estimated agricultural productive value of this property is excessive because of the following condition(s): \_\_\_\_\_

Applicant asks that the assessment, which presently exceeds the true and full value of the subject property, be  
reduced to the actual true and full market value of the property as estimated by the taxpayer.

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-04.1.

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

David B. Trench 10/30/20  
Signature of Preparer (if other than applicant) Date Signature of Applicant Date



**3216 12 AVE N**  
Owner: MHC Meadow Park LLC

**Recommendation of the Governing Body of the City or Township**

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### Action by the Board of County Commissioners

Application was \_\_\_\_\_ by action of \_\_\_\_\_ County Board of Commissioners  
 Approved Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23.04, we approve this application. The taxable valuation is reduced from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ \_\_\_\_\_. The Board accepts \$ \_\_\_\_\_ in full settlement of taxes for the tax year \_\_\_\_\_.

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

Dated \_\_\_\_\_

County Auditor Civildesign

### Certification of County Auditor

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

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Waiver Provisions
				yes/no

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

Year	Reduction in Taxable Valuation	Reduction in Taxes
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County Auditor: \_\_\_\_\_ Date: \_\_\_\_\_

## Application For Abatement Or Refund Of Taxes

Name of Applicant: MHC Meadows Park LLC

County Auditor's File No. 4493

**Date Application Was Filed  
With The County Auditor**

**Date County Auditor Mailed  
Applications to Township  
Clerk or City Auditor**

Went to school, my mother's house and Sister A. Ann

**Stamart Liquor Mart**  
Parcel Number: 01-1900-00025-000

**3216 12 AVE N**  
Owner: MHC Meadow Park LLC

**Exhibit 2**

**True & Full Valuation History**

2021	1	C	▼	84,000	364,000	448,000
2020	1	C	▼	84,000	364,000	448,000
2019	1	C	▼	84,000	364,000	448,000
2018	1	C	▼	72,000	352,300	424,300
2017	1	C	▼	72,000	344,000	416,000
2016	1	C	▼	72,000	344,000	416,000

**Exhibit 3**

**Stamart Liquor Mart**  
*Parcel Number: 01-1900-00025-000*

**3216 12 AVE N**  
Owner: MHC Meadow Park LLC

**Site Location**





# Stamart Liquor Mart

Parcel Number: 01-1900-00025-000

3216 12 AVE N

Owner: MHC Meadow Park LLC

## Exhibit 4

### Equity Analysis

#### 2018 Analysis for Uniformity

BldgName	Address	Yr Blt	BldgSF	Total Val	Total \$ / GBA (SF)	Impr \$ / GBA (SF)	Bldg \$ / GBA (SF)
DANS OIL N Bdwy	2921 BROADWAY N	1962	1,372	\$ 207,200	\$ 151.02	\$ 97.08	\$ 22.30
Casey's	1401 UNIVERSITY DR S	1983	3,500	\$ 530,800	\$ 151.66	\$ 130.80	\$ 73.71
Mini Mart Univ/I94	1833 UNIVERSITY DR S	1979	4,003	\$ 627,900	\$ 156.86	\$ 108.14	\$ 54.38
Cenex on Main	330 MAIN AVE	1971	4,236	\$ 657,000	\$ 155.10	\$ 91.36	\$ 41.62
				Mean	\$ 153.66	\$ 106.85	\$ 48.01
				Median	\$ 153.38	\$ 102.61	\$ 48.00
				Min	\$ 151.02	\$ 91.36	\$ 22.30
				Max	\$ 156.86	\$ 130.80	\$ 73.71

Subject - 2018 Value	Address	Yr Blt	BldgSF	Total Val	Total \$ / GBA (SF)	Impr \$ / GBA (SF)	Bldg \$ / GBA (SF)
Stamart Liquor mart	3216 12 Ave N	1970	3424	\$ 424,300	\$ 124	\$ 103	\$ 51.53

**Stamart Liquor Mart**  
*Parcel Number: 01-1900-00025-000*

**3216 12 AVE N**  
 Owner: MHC Meadow Park LLC

**Exhibit 5**

**Comparable Sales**

Location	SaleDate	Sale Price Adj	YrBuilt	BldgSF	Total Sale \$ / GBA (SF)	Impr Sale \$ / GBA (SF)	Bldg Sale \$ / GBA (SF)
2501 23 AVE S	6/18/2014	\$ 1,044,500	1999	6892	\$ 151.55	\$ 105.77	\$ 78.31
1020 19 AVE N	5/20/2015	\$ 1,479,600	2001	9795	\$ 151.06	\$ 114.55	\$ 82.19
101 UNIVERSITY DR N	9/26/2018	\$ 766,800	1986	5600	\$ 136.93	\$ 83.75	\$ 49.64
			Mean		\$ 146.51	\$ 101.36	\$ 70.05
			Median		\$ 151.06	\$ 105.77	\$ 78.31
			Min		\$ 136.93	\$ 83.75	\$ 49.64
			Max		\$ 151.55	\$ 114.55	\$ 82.19
Subject - 2018 Value	Year	Total Value	YrBuilt	BldgSF	Total \$ / GBA (SF)	Impr \$ / GBA (SF)	Bldg \$ / GBA (SF)
Stamart Liqour mart	2018	\$ 424,300	1970	3424	\$ 123.92	\$ 102.89	\$ 51.53

23 e

**January 7, 2021**

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

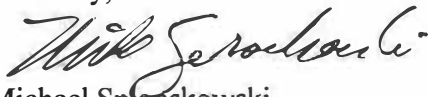
Attached is the *Application for Abatement or Refund of Taxes #4494* prepared by David Tibbals of Fredrikson & Byron, PA. The application is for the Fargo Doublewood Inn, LP located at 3333 13 Ave S and is requesting a reduction in value from \$7,990,500 to \$5,000,000 in 2018.

We have included information regarding the valuation of this property and a comparison to similar properties for equity and the market. No authorizing letter was presented by the preparing entity, and no supporting evidence for a reduction was provided for analysis.

**SUGGESTED MOTION:**

**Denial of the Application of Abatement or Refund of Taxes #4494 on 3333 13 Ave S. and retain the 2018 value.**

Sincerely,



Michael Splonskowski  
Fargo City Assessor



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City of Fargo Assessment Department

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# Fargo Doublewood Inn LP

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2018 Tax Year ~ Abatement Number 4494

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Assessment Department Recommendation  
01-11-2021

# ***Fargo Doublewood Inn LP***

*Parcel Number: 01-4021-00025-000*

***3333 13 Ave S***

*Owner: Fargo Doublewood Inn LLP*

## **Appeal Summary**

David Tibbals, Esq. of Fredrikson & Byron P.A. (preparer) has submitted an "Application For Abatement Or Refund Of Taxes" (**Exhibit #1**) for 3333 13 Ave S (subject). Mr. Tibbals indicated in a cover letter that "the taxpayer has retained the undersigned in an attempt to secure a reduction in the property taxes payable". However, the property owner did not sign the abatement application, nor have we received a signed authorization letter from either party.

The value of the subject property for 2018 is \$7,990,500 (**Exhibit #2**). The preparer is requesting a value of \$5,000,000. The requested reduction would be \$2,990,500 or 37.4%. On November 13<sup>th</sup>, 2020 we requested supporting information and a signed authorization letter from the preparer. As of January 7<sup>th</sup>, 2021, the preparer has failed to provide any documentation that either supports the requested reduced value, or indicates authorization to appeal the value of the subject property.

The subject property is an mid-scale, full service hotel. The property has 172 rooms, was originally built in 1979, and measures 120,362 square feet. It is located along 13<sup>th</sup> Avenue S, near Interstate-29, and the West Acres Shopping Center (**Exhibit #3**).

## **Equity Analysis**

The subject property is valued at \$7,990,500. That equates to \$46,456 per room and \$66.39 per square foot. We compared the subject value to the true & full values of competing properties. As competing properties, we selected hotels and motels that are classified as "Full Service" facilities; or are classified as "Midscale" properties by STR. We found 20 such properties and observed that their values bracket the subject value on all units of comparison (**Exhibit #4**). Our position is that the subject property is sufficiently equalized with its competitors.

## **Value Analysis**

We performed a cost analysis of the subject property. The cost approach can be summarized by adding the land value to the depreciated replacement cost. As we do for all commercial properties in Fargo, we used the Marshall & Swift Commercial Estimator to develop this analysis. We found the indicated value via the cost analysis to be higher than the true and full value (**Exhibit #5**).

Sales were also studied to check the reasonableness of the value. We found three comparable sales that occurred around the time of the tax year in question. Those sales are reasonably similar in location, size, and class to the subject. We adjusted the prices of the comparable sales by a negative 15% to account for furniture, fixtures and equipment (FFE). The adjusted prices bracket the subject value in all units of comparison (**Exhibit #6**).

As a final check of the value, we studied *all* lodging sales from the past five years. We were able to find eleven such sales in Fargo. The subject value sits close to the median sale price in all units of comparison (**Exhibit #7**).

## **ASSESSMENT DEPARTMENT RECOMMENDATION**

We were unable to find any data that supports a reduction in market value for the 2018 tax year. Documentation supporting the requested value of \$5,000,000 has not been provided. Nor has the property owner confirmed that the preparer has authorization to appeal this value. Thus, we recommend retaining the true and full value for 2018.

## **Suggested Motion(s):**

**Retain the value of \$7,990,500 for 2018**

# Fargo Doublewood Inn LP

Parcel Number: 01-4021-00025-000

3333 13 Ave S

Owner: Fargo Doublewood Inn LLP

## Exhibit #1

### Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District Fargo  
County of Cass Property I.D. No. 01-4021-00025-000  
Name FARGO DOUBLEWOOD INN LP Telephone No. (701) 237-8212  
Address 3333 13 AVE S FARGO ND 58103

Legal description of the property involved in this application:

Lot: 1 Block: 1 WESTRAC 1ST PT LOT 1 & 4 ALL 3 & 4 BLK 1 ALL LOT 3 E 150' LOT 1 THE W 200' OF LOT 4 & ALL OF LOT 2 LESS THE FOLL BEG AT NW COR OF LOT 2 THEN S 44DG36'50" E ALG SWLY LN OF LOT 2 FOR 47' 69" THEN N 89DG57'00" E ALG S LN OF LOT 2 FOR 15' 6' 18" THEN N 00DG03'00" W FOR 30' THEN N 88DG50'5 4" W FOR 189' 69" TO BEG ALL BLK 1

Total true and full value of the property described above for the year 2018 is:

Land \$ 1,881,000  
Improvements \$ 6,109,500  
Total \$ 7,990,500  
(1)

Total true and full value of the property described above for the year 2018 should be:

Land \$ 1,200,000  
Improvements \$ 3,800,000  
Total \$ 5,000,000  
(2)

The difference of \$ 2,990,500 true and full value between (1) and (2) above is due to the following reason(s):

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

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

- 1 Purchase price of property: \$ \_\_\_\_\_ Date of purchase \_\_\_\_\_  
Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) \_\_\_\_\_  
Was there personal property involved in the purchase price? \_\_\_\_\_ Estimated value: \$ \_\_\_\_\_  
yes/no
- 2 Has the property been offered for sale on the open market? \_\_\_\_\_ If yes, how long? \_\_\_\_\_  
yes/no  
Asking price: \$ \_\_\_\_\_ Terms of sale: \_\_\_\_\_
- 3 The property was independently appraised \_\_\_\_\_ Purpose of appraisal \_\_\_\_\_  
yes/no  
Market value estimate: \$ \_\_\_\_\_  
Appraisal was made by whom? \_\_\_\_\_
- 4 The applicant's estimate of market value of the property involved in this application is \$ \_\_\_\_\_
- 5 The estimated agricultural productive value of this property is excessive because of the following condition(s): \_\_\_\_\_

Applicant asks that the assessment, which presently exceeds the true and full value of the subject property, be  
reduced to the actual true and full market value of the property as estimated by the taxpayer.

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

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

Dan Butcher 03/30/20  
Signature of Preparer (if other than applicant) Date Signature of Applicant Date



# ***Fargo Doublewood Inn LP***

*Parcel Number: 01-4021-00025-000*

***3333 13 Ave S***

*Owner: Fargo Doublewood Inn LLP*

## **Exhibit #2**

### **True & Full Valuation History**

<b>Year</b>	<b>ParcelNo</b>	<b>Land Value</b>	<b>Impr Value</b>	<b>Full Value</b>	<b>Total \$/SF</b>
2018*	01-4021-00025-000	1,881,000	6,109,500	7,990,500	66.55
2017	01-4021-00025-000	1,117,000	6,873,500	7,990,500	66.55
2016	01-4021-00025-000	1,117,000	6,873,500	7,990,500	66.55
2015	01-4021-00025-000	1,117,000	6,493,000	7,610,000	63.38
2014	01-4021-00025-000	1,117,000	6,493,000	7,610,000	63.38
2013	01-4021-00025-000	1,117,000	5,425,500	6,542,500	54.49
2012	01-4021-00025-000	1,117,000	5,297,200	6,414,200	53.42
2011	01-4021-00025-000	1,117,000	5,110,400	6,227,400	51.86

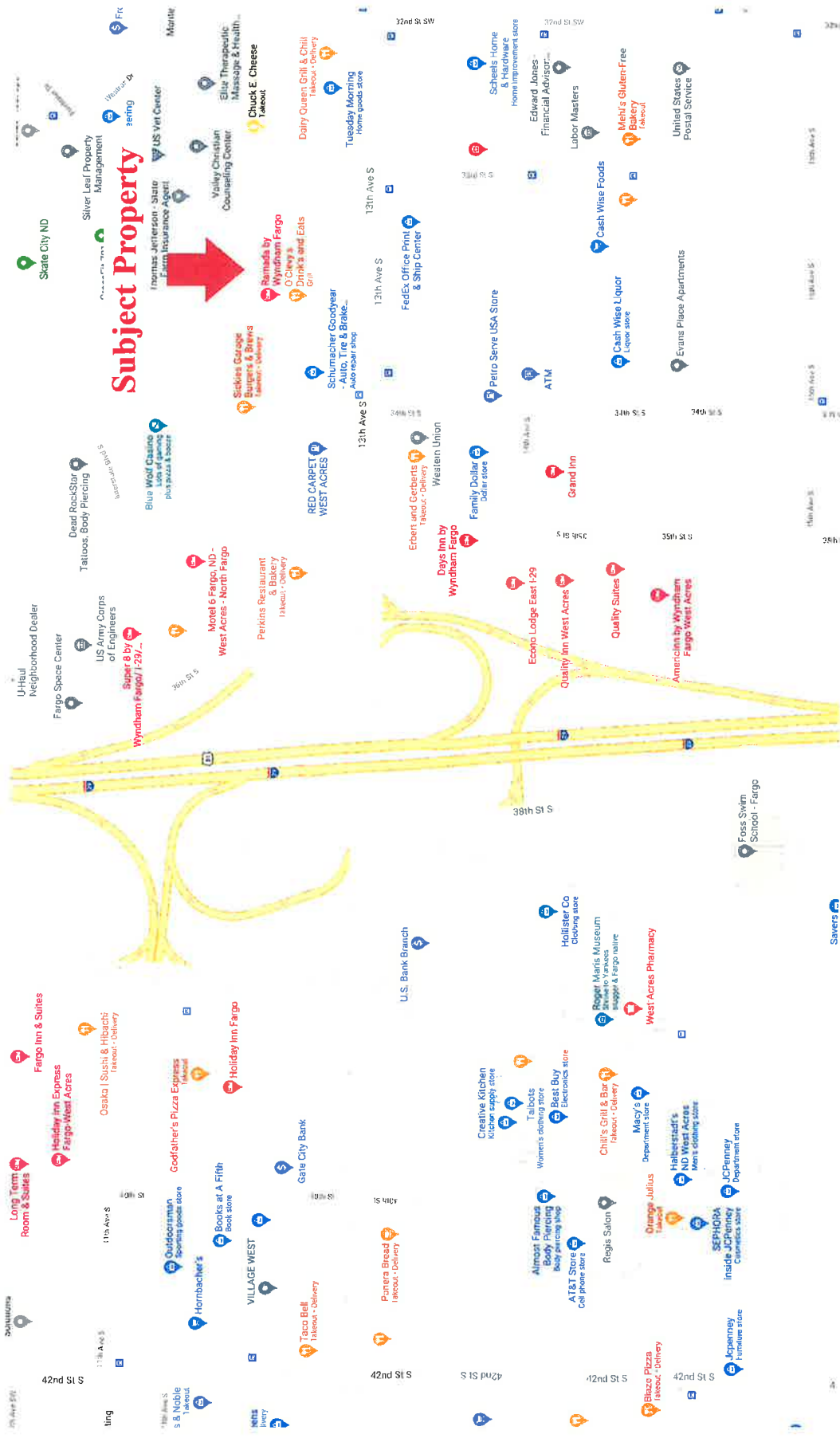
\*Omitted Assessment for 2018

# Fargo Doublewood Inn LP

Parcel Number: 01-4021-00025-000

3333 13 Ave S  
Owner: Fargo Doublewood Inn LLP

## Exhibit #3



# Fargo Doublewood Inn LP

Parcel Number: 01-4021-00025-000

# 3333 13 Ave S

Owner: Fargo Doublewood Inn LLP

## Exhibit #4

### Equalization Analysis

Property Name	Year Built	Size (SF)	Chain Scale	Class	Room Count	2018 T&F	2018 \$/Room	2018 \$/SF
3803 13 AVE S   HOLIDAY INN	1972	231,218	Upper Midscale	3 - Full Service	310	21,722,000	70,071	93.95
1635 42 ST S   DELTA HOTELS	1995	193,488	Upper Upscale	3 - Full Service	185	16,408,000	88,692	84.80
201 5 ST N   RADISSON HOTEL	1984	121,240	Upscale	3 - Full Service	151	11,538,000	76,411	95.17
4351 17 AVE S   HILTON GARDEN INN	2008	91,453	Upscale	3 - Full Service	110	11,113,000	101,027	121.52
4400 15 AVE S   CLUBHOUSE HOTEL	2014	82,438	Midscale	2 - Rms & Suites	100	8,855,000	88,550	107.41
2355 46 ST S   LA QUINTA	2008	88,372	Midscale	2 - Rms & Suites	157	8,692,000	55,363	98.36
3333 13 AVE S   RAMADA DOUBLEWOOD	1979	120,070	Midscale	3 - Full Service	172	7,990,500	46,456	66.55
4014 17 AVE S   CANDLEWOOD SUITES	2015	57,963	Midscale	4 - All Suite	97	5,837,000	60,175	100.70
4325 23 AVE S   AMERICINN HOTEL & SUITES	2007	59,383	Midscale	2 - Rms & Suites	86	5,431,000	63,151	91.46
4429 19 AVE S   WINGATE INN	1999	52,442	Midscale	2 - Rms & Suites	83	5,124,000	61,735	97.71
1767 44 ST S   BEST WESTERN KELLY INN	2006	54,665	Midscale	2 - Rms & Suites	83	4,981,000	60,012	91.12
1831 NDSU RSRCH PK DR N   CANDLEWOOD	2005	50,806	Midscale	4 - All Suite	72	4,519,000	62,764	88.95
3800 MAIN AVE   BILTMORE HOTEL	1959	58,811	Independent	3 - Full Service	133	4,252,000	31,970	72.30
1901 44 ST S   MAINSTAY SUITES	1999	43,313	Midscale	4 - All Suite	66	3,381,000	51,227	78.06
4625 23 AVE S   SLEEP INN & SUITES	2012	32,291	Midscale	4 - All Suite	62	2,983,000	48,113	92.38
101 BROADWAY N   DONALDSON HOTEL	1900	22,256	Independent	3 - Full Service	17	2,226,000	130,941	100.02
1423 35 ST S   AMERICINN LODGE & SUITES	1992	30,493	Midscale	1 - Limited	60	2,166,000	36,100	71.03
1340 21 AVE S   BAYMONT INN & SUITES	1960	57,702	Midscale	1 - Limited	110	2,108,000	19,164	36.53
1407 35 ST S   QUALITY INN	1987	29,046	Midscale	1 - Limited	64	1,773,000	27,703	61.04
3803 13 AVE S   HOLIDAY INN	1972	231,218	Upper Midscale	3 - Full Service	310	21,722,000	70,071	93.95

	2018 T&F	2018 \$/Room	2018 \$/SF
Maximum	21,722,000	130,941	121.52
Q3	8,773,500	73,241	98.03
Median	5,124,000	60,175	91.46
Q1	3,182,000	47,285	75.18
Minimum	1,773,000	19,164	36.53

Subject 7,990,500 46,456 66.55



# **Fargo Doublewood Inn LP**

Parcel Number: 01-4021-00025-000

**3333 13 Ave S**

Owner: Fargo Doublewood Inn LLP

## **Exhibit #5**

### **Cost Analysis**

<b>2018</b>	<b>\$/Unit</b>	<b>Units</b>	<b>Indicated Value</b>	<b>True &amp; Full Value</b>
Land	8.00	235,119	1,881,000	1,881,000
Building	66.52	120,362	8,006,489	6,109,500
Indicated Value	82.15	120,362	9,887,489	7,990,500

## **Exhibit #6**

### **Sales Analysis**

	<b>Subject</b>	<b>Comp1</b>	<b>Comp2</b>	<b>Comp3</b>
<b>Address</b>	3333 13 Ave S	3803 13 Ave S	201 5 St N	1340 21 Ave S
<b>Name</b>	Ramada	Holiday Inn	Radisson	Baymont Inn
<b>Year Built</b>	1979	1972	1984	1960
<b>Bldg. Size</b>	120,362	231,218	121,240	57,702
<b>Room Count</b>	172	310	151	110
<b>STR Class</b>	Midscale	Upper Midscale	Upscale	Midscale
<b>Class</b>	Full Service	Full Service	Full Service	Limited
<b>Location</b>	Fiechtner	West Acres Area	Downtown	Interstate SE
<b>Sale Date</b>		3/2/2016	12/1/2016	1/21/2016
<b>Contract Price</b>		\$21,000,000	\$13,870,000	\$1,850,000
<b>Specials Unpaid</b>		\$343,900	\$1,500	\$11,000
<b>Less FFE (-15%)</b>		\$(3,150,000)	\$(2,080,500)	\$(277,500)
<b>Adj. Price / TF Value</b>	\$7,990,500	\$18,193,900	\$11,791,000	\$1,583,500
<b>\$ / Unit</b>	\$46,456	\$58,690	\$78,086	\$14,395
<b>\$ / SF</b>	\$66.39	\$78.69	\$97.25	\$27.44

# Fargo Doublewood Inn LP

Parcel Number: 01-4021-00025-000

3333 13 Ave S

Owner: Fargo Doublewood Inn LLP

## Exhibit #7

### Full Sales Analysis

Name	Year Built	STR	Class	Rooms	Size	Sale Date	Adj Sale Price	Price / Room	Price / SF
1340 21 AVE S   BAYMONT INN	1960	Midscale	1 - Limited	110	57,702	01/21/16	1,583,500	14,395	27.44
1040 40 ST S   HOLIDAY INN EXPRESS	1993	Upper Midscale	1 - Limited	77	40,328	03/01/16	7,681,000	99,753	190.46
3803 13 AVE S   HOLIDAY INN	1972	Upper Midscale	3 - Full Service	310	231,218	03/02/16	18,193,900	58,690	78.69
3110 39 ST S   MOTEL 6 SOUTH	1984	Economy	1 - Limited	40	15,000	07/25/16	1,001,900	25,048	66.79
201 5 ST N   RADISSON HOTEL	1984	Upscale	3 - Full Service	151	121,240	12/01/16	11,791,000	78,086	97.25
4711 19 AVE S   HOLIDAY INN EXPRESS	2013	Upper Midscale	1 - Limited	110	70,143	06/08/17	12,113,300	110,121	172.69
3431 14 AVE S   DAYS INN SOUTH	1992	Economy	1 - Limited	75	35,501	10/13/17	2,318,050	30,907	65.30
1423 35 ST S   AMERICINN LODGE	1992	Midscale	1 - Limited	60	30,493	03/30/18	2,519,000	41,983	82.61
1202 36 ST S   MOTEL 6 NORTH	1974	Economy	1 - Limited	96	38,510	09/25/18	1,128,650	11,757	29.31
5064 23 AVE S   FOUR POINTS	2013	Upscale	2 - Rms & Suites	90	64,280	03/26/19	7,805,400	86,727	121.43
1507 19 AVE N   DAYS INN	1994	Economy	1 - Limited	60	27,851	09/20/19	2,435,350	40,589	87.44

Adj Sale Price	Price / Room	Price / SF
18,193,900	110,121	190.46
9,798,200	82,406	109.34
2,519,000	41,983	82.61
1,950,775	27,977	66.04
1,001,900	11,757	27.44

Maximum

Q3

Median

Q1

Minimum

Subject

7,990,500

46,456

66.55

January 7, 2021

Board of City Commissioners  
City Hall  
Fargo, ND 58102

238

Dear Commissioners:

Attached is the *Application for Abatement or Refund of Taxes #4495 & #4496* prepared by David Tibbals of Fredrikson & Byron, PA. The application is for the Plains Art Museum properties at 704 & 720 1<sup>st</sup> Ave N and is requesting that the classification for 2018 be changed to charitable.

The Plains Art Museum is a facility located in the downtown area for the housing and display art, as well as the offering classes on art and art appreciation. The grounds consist of three parcels, two of which are part of this appeal.


Given the nature of the appeal, legal advice was sought in regards to legal precedent and case law, as well as precedent established by other taxing jurisdictions and officers.

**SUGGESTED MOTION:**

**Denial of the Application of Abatement or Refund of Taxes #4495 and retain the 2018 classification of 704 1<sup>st</sup> Ave N under 57-02-08-11.**

**Denial of the Application of Abatement or Refund of Taxes #4496 and retain the 2018 classification of 720 1<sup>st</sup> Ave N under 57-02-08-11.**

Sincerely,



Michael Splonskowski  
Fargo City Assessor



City of Fargo Assessment Department

# Plains Art Museum

2018 ~ Abatement Number 4495 & 4496



Assessment Department Recommendation  
01-11-2021

## **Plains Art Museum**

*Parcel Numbers 01-2381-00891-010 & 01-2381-00911-000*

**704 & 720 1<sup>st</sup> Ave N**

Andy Maus, Museum Director

### **Appeal Summary**

The director of the Plains Art Museum has appealed the 2018 property tax classification of the museum under NDCC 57-02-08-11, which exempts all property taxes except fire protection. This classification is for lodges, clubs, fraternities and other similar properties. The current total value of these two parcels is \$8,623,000, with approximately 92% of the taxes being exempted.

Our records show the property has been under this classification for 27 years and paying the fire protection tax since 1993. Plains Art Museum holds that the properties should be classified under NDCC 57-02-08-08, which completely exempts institutions of public charity from property tax.

### **Analysis**

According to NDCC 57-02-03, "All property in this state is subject to taxation unless expressly exempted by law."

The law does not expressly exempt museums from property tax. North Dakota case law surrounding NDCC § 57-02-08.08 indicates that beneficiaries of the organization must show a demonstrable charitable need for its services. Without taking away from the worthiness of the mission and actions of the Plains Art Museum, it is very hard to show that it is devoted to a charitable purpose because it is unable to show a demonstrable charitable need for a disadvantage group. First, an art museum does not appear similar to organizations which provide basic necessities like food, clothing, shelter, or hospitalization. In addition, the beneficiaries of the Plains Art Museum appear to be people interested in art, not a disadvantaged group. Since art and art appreciation is more of an elective subject, the Plains Art Museum fits better under the mantle of an organization with specific interests than a public charity.

Throughout the City of Fargo, there are a total of 39 parcels classified for fire protection only. They include the following property types: theaters, museums, fraternities, sororities, clubs and foundations. Many of these institutions look similar to the museum in their mission statements and their activities. Therefore, uniform application of the classification for similar properties has been applied. In view of these things, it does not appear that the classification is arbitrary, capricious, or unreasonable.

### **Suggested Motion:**

**Retain the 2018 classification of both parcels under 57-02-08-11.**

# Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota  
County of Cass  
Name PLAINS ART MUSEUM  
Address 704 1ST AVENUE  
Assessment District Fargo City  
Property I.D. No. 01-2381-00891-010  
Telephone No. (701) 551-6400

Legal description of the property involved in this application:

LOT: 4 BLOCK: 7 ROBERTS LTS 4 THRU 8 BLK 7 & E1/2 OF VAC ALLEY ADJ TO LTS 4 THRU 8  
\*\*9-30-08 SPL FRM 01-2381-00891-000

Total true and full value of the property described above for the year 2018 is:

Land \$ 431,000  
Improvements \$ 5,915,400  
Total \$ 6,346,400  
(1)

Total true and full value of the property described above for the year \_\_\_\_\_ should be:

Land \$ 0  
Improvements \$ 0  
Total \$ 0  
(2)

The difference of \$ 6,346,400.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ \_\_\_\_\_ Date of purchase: \_\_\_\_\_  
Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) \_\_\_\_\_  
Was there personal property involved in the purchase price? \_\_\_\_\_ Estimated value: \$ \_\_\_\_\_  
yes/no
2. Has the property been offered for sale on the open market? \_\_\_\_\_ If yes, how long? \_\_\_\_\_  
yes/no  
Asking price: \$ \_\_\_\_\_ Terms of sale: \_\_\_\_\_
3. The property was independently appraised: \_\_\_\_\_ Purpose of appraisal: \_\_\_\_\_  
yes/no  
Market value estimate: \$ \_\_\_\_\_  
Appraisal was made by whom? \_\_\_\_\_
4. The applicant's estimate of market value of the property involved in this application is \$ \_\_\_\_\_
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): \_\_\_\_\_

Applicant asks that we be treated as a public charity as the Museum is an educational & cultural charity whose facilities are used for our charitable mission.

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

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

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date



### Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of \_\_\_\_\_

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
City Auditor or Township Clerk

### Action by the Board of County Commissioners

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

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

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

Dated \_\_\_\_\_,

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Chairperson

### Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Date

Application For Abatement  
Or Refund Of Taxes

Name of Applicant Plains Art Museum

County Auditor's File No. 4495

Date Application Was Filed  
With The County Auditor 10/30/20

Date County Auditor Mailed  
Application to Township  
Clerk or City Auditor 11/2/20  
(must be within five business days of filing date)

# Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District Fargo City  
 County of Cass Property I.D. No. 01-2381-00911-000  
 Name Plains Art Museum's Katherine Kilbourne Telephone No. (701) 551-6100  
Burgum Center for Creativity  
 Address 720 1st Ave N

Legal description of the property involved in this application:

LOT: 9 BLOCK: 7 ROBERT'S LOTS 9 & 10 & W1/2 ALLEY ADJ TO LT 9 BLK 7\*\*8-6-08 COMB FRM  
 01-2381-00910-000 & 00901-000

Total true and full value of the property described  
 above for the year 2018 is:

Land \$ 171,000  
 Improvements \$ 1,707,500  
 Total \$ 1,878,500  
 (1)

Total true and full value of the property described  
 above for the year \_\_\_\_\_ should be:

Land \$ 0  
 Improvements \$ 0  
 Total \$ 0  
 (2)

The difference of \$ 1,878,500.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ \_\_\_\_\_ Date of purchase: \_\_\_\_\_  
 Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) \_\_\_\_\_  
 Was there personal property involved in the purchase price? \_\_\_\_\_ Estimated value: \$ \_\_\_\_\_  
 yes/no
2. Has the property been offered for sale on the open market? \_\_\_\_\_ If yes, how long? \_\_\_\_\_  
 yes/no  
 Asking price: \$ \_\_\_\_\_ Terms of sale: \_\_\_\_\_
3. The property was independently appraised: \_\_\_\_\_ Purpose of appraisal: \_\_\_\_\_  
 yes/no  
 Market value estimate: \$ \_\_\_\_\_  
 Appraisal was made by whom? \_\_\_\_\_
4. The applicant's estimate of market value of the property involved in this application is \$ \_\_\_\_\_
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): \_\_\_\_\_

Applicant asks that we be treated as a public charity as the Museum's Center  
for Creativity is an educational charity whose facility is used for  
our charitable mission.

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

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

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date

### Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of \_\_\_\_\_

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

\_\_\_\_\_  
 \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 City Auditor or Township Clerk

### Action by the Board of County Commissioners

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

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

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

\_\_\_\_\_  
 \_\_\_\_\_

Dated \_\_\_\_\_  
 \_\_\_\_\_  
 County Auditor Chairperson

### Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor \_\_\_\_\_ Date \_\_\_\_\_

Application For Abatement  
Or Refund Of Taxes

Name of Applicant Plains Art Museum

County Auditor's File No. 4496

Date Application Was Filed With The County Auditor 10/30/20

Date County Auditor Mailed Application to Township Clerk or City Auditor 11/2/20  
(must be within 60 business days of filing date)



**MEMORANDUM IN SUPPORT OF  
APPLICATIONS FOR ABATEMENT OR REFUND OF TAXES  
AND APPLICATIONS FOR PROPERTY TAX EXEMPTION  
PLAINS ART MUSEUM**

Plains Art Museum (“Applicant”) has filed Applications for Abatement or Refund of Taxes and Applications for Property Tax Exemption (the foregoing collectively, the “Applications”) to claim exemption under N.D.C.C. § 57-02-08(8) for the 2018 tax year on two parcels of real estate owned by Applicant and more particularly described in the Applications (the “Property”). Applicant now submits this memorandum to further describe its use of the Property and state its claim as presented in the Applications.

**Applicant and Its Use of the Property**

Applicant is a nonprofit corporation organized under the laws of the State of North Dakota.<sup>1</sup> Applicant is recognized as a tax-exempt organization pursuant to § 501(c)(3) of the Internal Revenue Code.<sup>2</sup>

Applicant operates the largest and only accredited art museum in North Dakota (the “Museum”), of which the Property is a part. In furtherance of Applicant’s mission to connect art with audiences to foster creative, resilient, and welcoming communities, the Museum functions as a teaching museum, with its facilities open to the public for general admission free of charge.

The Property, as a part of the Museum campus in downtown Fargo, is entirely used for public charitable purposes and to advance the educational goals of Applicant. This includes housing the Museum’s permanent collection for public viewing; regularly hosting special exhibitions; and providing and sponsoring classes, lectures, social events, performances, and other community events. The Property is also used to promote teaching, creativity, humanitarian, and other educational programming developed by Applicant.<sup>3</sup> From time to time, portions of the Property are leased or rented to other nonprofit organizations whose activities align with the educational goals of Applicant.

Applicant’s commitment to operating the Museum, including the Property, as a resource for the public’s use is demonstrated by the broad and enabling financial support provided by the community.<sup>4</sup> Via private gifts of individuals, businesses, and philanthropic organizations; grants issued by the City of Fargo, the State of North Dakota, and other public-sector partners; and proceeds generated through Applicant’s operation of charitable gaming at Big Top Bingo in Fargo and other sites, Applicant has been able to maintain its free-of-charge general admission policy and further expand its educational programming.

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<sup>1</sup> Attached hereto as Exhibit A and Exhibit B, respectively, are copies of Applicant’s Second Amended and Restated Articles of Incorporation and Applicant’s Bylaws.

<sup>2</sup> Proof of such recognition is attached hereto as Exhibit C.

<sup>3</sup> Such programming is further described in the attached Exhibit D.

<sup>4</sup> This support is quantified in the summary budget attached hereto as Exhibit E.

### Applicant's Claim for Exemption

Applicant makes its claim for exemption pursuant to N.D.C.C. § 57-02-08(8), which provides that the following property is exempt from taxation:

*“All buildings belonging to institutions of public charity, including public hospitals and nursing homes licensed pursuant to section 23-16-01 under the control of religious or charitable institutions, used wholly or in part for public charity, together with the land actually occupied by such institutions not leased or otherwise used with a view to profit. The exemption provided by this subsection includes any dormitory, dwelling, or residential-type structure, together with necessary land on which such structure is located, owned by a religious or charitable organization recognized as tax exempt under section 501(c)(3) of the United States Internal Revenue Code which is occupied by members of said organization who are subject to a religious vow of poverty and devote and donate substantially all of their time to the religious or charitable activities of the owner.”*

(Emphasis added.) Although much of this text is dedicated to explaining the exemption's application to hospitals, nursing homes, and residential structures owned by religious or charitable organizations, the core operative language extends the exemption to “[a]ll buildings belonging to institutions of public charity . . . used wholly or in part for public charity, together with the land actually occupied by such institutions not leased or otherwise used with a view to profit.”

That is to say, the exemption is not exclusive to hospitals, nursing homes, and residential-type structures; it contemplates *all* buildings and land of a public charity to the extent used for public charitable purposes. As such, Applicant maintains that this exemption applies to the Property, as it encompasses buildings owned and land occupied by Applicant, an institution of public charity, that are used for public charity and not with a view to profit.

The not-for-profit character of the Property should be evident from the descriptions above. As for the nature of Applicant itself and its use of the Property as being that of a “public charity,” it must first be noted that the statute itself does not define “public charity” for purposes of the exemption. Nor have North Dakota courts dealt specifically with the questions of whether a museum operator is a “public charity” or whether a museum open to the public is being used “for public charity;” the case law interpreting the current statute focuses almost exclusively on the extent to which the exemption applies to residential structures.<sup>5</sup> As a result, then, there is very little guidance under North Dakota law as to how this statute should be applied to a museum.

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<sup>5</sup> See, e.g., *North Dakota Soc. for Crippled Children and Adults v. Murphy*, 94 N.W.2d 343 (N.D. 1959) (residence for executive director); *Young Men's Christian Ass'n of North Dakota State University v. Board of County Com'rs, Cass County*, 198 N.W.2d 241 (N.D. 1972) (residence for college students); *Evangelical Lutheran Good Samaritan Society v. Board of County Com'rs, Ramsey County*, 219 N.W.2d 900 (N.D. 1974) (residence for the aged and infirm); *Riverview Place, Inc. v. Cass County By and Through Cass County Bd. Of Com'rs*, 448 N.W.2d 635 (N.D. 1989) (residence for the elderly).

In analyzing this question, a North Dakota court would seek to determine the plain meaning of the words “public” and “charity.” Per *Black’s Law Dictionary* (11<sup>th</sup> ed., 2019), “public” is defined as “[o]pen or available for all to use, share, or enjoy.” *Black’s* further defines “charity” as “[a]id given to . . . the general community for religious, educational, economic, public-safety, or medical purposes.” As explained above, these two definitions are met here, because the Applicant holds out its Property to the entire public for educational purposes.

In the absence specific guidance from North Dakota courts, the approach of neighboring states can be instructive. In particular, Minnesota has a very similar statute (M.S. § 272.02, subd. 7(a)) that exempts “[i]nstitutions of purely public charity” that are recognized as tax exempt organizations pursuant to § 501(c)(3) of the Internal Revenue Code.

The classification of buildings under the two statutes is, therefore, essentially identical: “institutions of public charity.” The only difference is Minnesota’s addition of the word “purely,” which is effectively captured later in the North Dakota statute by the phrase “*used wholly or in part for public charity, together with the land actually occupied by such institutions not leased or otherwise used with a view to profit.*” For all practical purposes, then, the two statutes are the same, and so Minnesota’s statute can provide a helpful framework for applying North Dakota’s virtually identical standard.

Minnesota’s statute identifies six factors, originally developed through case law, to be considered in determining whether the exemption applies:

- (1) “[W]hether the stated purpose of the undertaking is to be helpful to others without immediate expectation of material reward;
- (2) whether the institution of public charity is supported by material donations, gifts, or government grants for services to the public in whole or in part;
- (3) whether a material number of the recipients of the charity receive benefits or services at reduced or no cost, or whether the organization provides services to the public that alleviate burdens or responsibilities that would otherwise be borne by the government;
- (4) whether the income received, including material gifts and donations, produces a profit to the charitable institution that is not distributed to private interests;
- (5) whether the beneficiaries of the charity are restricted or unrestricted, and, if restricted, whether the class of persons to whom the charity is made available is one having a reasonable relationship to the charitable objectives; and
- (6) whether dividends, in form or substance, or assets upon dissolution, are not available to private interests.”



We recognize that these are not binding for purposes of North Dakota law, but they are logical factors one would consider when deciding if a building is, in fact, used as an institution of public charity. Applying them here clearly demonstrates that the Property should be exempt:

- (1) As discussed above, Applicant's stated mission is to use art to foster creative, resilient, and welcoming communities, furthering that aim by operating the Museum, including the Property, as a teaching museum open to the public, free of charge. It has no immediate expectation of a material reward.
- (2) As quantified in Exhibit E, Applicant relies on donations, gifts, and grants in order to operate the Museum and maintain its free-of-charge general admission policy. Thus, it funds its operations not through the conduct of business in the traditional sense but rather through various forms of public support.
- (3) As further described in Exhibit D, Applicant operates the Museum as a teaching museum, offering all members of the public free admission for viewing exhibitions through its PlainsArt4All Initiative. It also offers discounted classes to members of the public and maintains a robust system of offering services at discounted or free prices.
- (4) As stated in Article VIII of Applicant's Second Amended and Restated Articles of Incorporation, and as required as a condition of being a § 501(c)(3) nonprofit, "[n]o part of the net earnings of [Applicant] shall inure to the benefit of or be distributable to its members, trustees, officers, or other private persons . . . ." There is no "owner" here lurking behind the scenes and profiting from a tax exemption.
- (5) Applicant does not restrict access to the Museum to any particular class of persons; as more particularly described in Exhibit D, it offers programming for individuals of all ages and abilities, and it views the Museum as an open community space without financial barrier.
- (6) In addition to the restriction on distributions to private interests in Article VIII described above, Article IX of Applicant's Second Amended and Restated Articles of Incorporation calls for Applicant, upon dissolution, to "distribute any remaining assets of [Applicant] exclusively for charitable or educational purposes . . . ."

## **Conclusion**

Commitment to serving as an educational resource for the community is a core organizational tenet of Applicant. Indeed, Applicant's recognition in 2016 by the Bush Foundation as a recipient of the Bush Prize for Community Innovation speaks to this civic mindset and charitable mission. As an institution of public charity that is supported by the public itself, Applicant operates the Museum as a means to educate and engage the community via the medium of art. Because the Property is central to this purpose, Applicant claims exemption pursuant to N.D.C.C. § 57-02-08(8).

71808063.1

**EXHIBIT A**

**SECOND AMENDED AND RESTATED ARTICLES OF INCORPORATION**

*[see attached]*



RECEIVED

JUN 13 2016

SEC. OF STATE

ARTICLES OF AMENDMENT  
TO ARTICLES OF INCORPORATION OF  
PLAINS ART MUSEUM

4105700

1420307

Pursuant to the provisions of Chapter 10-33 of the North Dakota Century Code (the "Act"), Plains Art Museum (the "Corporation") adopts these Articles of Amendment to the Restated and Amended Articles of Incorporation of the Corporation.

Article 1.

The name of the Corporation is: Plains Art Museum.

Article 2.

The Articles of Incorporation of the Corporation are hereby amended and restated as set forth in the Second Amended and Restated Articles of Incorporation of the Corporation as attached to Schedule 1 attached hereto.

Article 3.

The amendments reflected in the attached Second Amended and Restated Articles of Incorporation:

(A) are intended to amend and supersede all provisions in the Articles of Incorporation of the Corporation, and all amendments thereto, including the amendments reflected in the previously filed Restated and Amended Articles of Incorporation of the Corporation, and

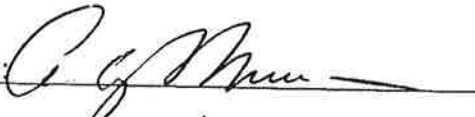
(B) were adopted pursuant to and in accordance with the requirements of the Act.

Article 4.

This amendment is to be effective on the date these Articles of Amendment are accepted by the North Dakota Secretary of State.

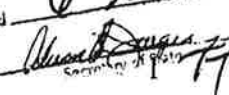
Dated this       day of May, 2016.

PLAINS ART MUSEUM

By: 

Name Printed: Andrew (Andy) Maus

Office: Director / CEO

NORTH DAKOTA  
6-20-16  
Filed  
  
Secretary of State



## SCHEDULE 1

### SECOND AMENDED AND RESTATED ARTICLES OF INCORPORATION FOR THE PLAINS ART MUSEUM

These Second Amended and Restated Articles of Incorporation are adopted for the purposes of amending and superseding the Restated and Amended Articles of Incorporation of Plains Art Museum, a nonprofit corporation (the "Corporation") pursuant to N.D.C.C. Chapter 10-33 (the "Act").

#### ARTICLE I.

The name of the Corporation shall be the Plains Art Museum.

#### ARTICLE II.

The Corporation was organized effective on the date its original articles of incorporation were issued by the North Dakota Secretary of State. The period of the Corporation's duration is perpetual.

#### ARTICLE III.

The Corporation is organized exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1954. Within this general limitation, the Corporation shall have the power to engage in any or all types of activities or enterprises which are legal and authorized for a corporation organized under the Act by the laws of the State of North Dakota, which shall include, but not be limited to:

- A. Operating and maintaining an art museum.
- B. Providing facilities for the exhibition and conservation of art.
- C. Providing a repository for the artistic heritage of this area.
- D. Promoting education in the arts and fostering and promoting a knowledge of art.
- E. Encouraging and promoting the creation of art.

#### ARTICLE IV.

The board of directors may establish one or more classes of non-voting members with members having such rights and obligations and as are established by the board of directors or bylaws of the Corporation. Members will not have the right to vote or to exercise any governance rights with respect to the Corporation.

#### ARTICLE V.

The principal executive office of the Corporation is located at 704 First Avenue North, Fargo, ND 58108-2338.

## **ARTICLE VI.**

The registered office of the Corporation is P.O. Box 2338, 704 First Avenue North, Fargo, ND 58108-2338. The name of the registered agent at such address is Andrew J. Maus.

## **ARTICLE VII.**

The Corporation will have no fewer than twelve (12) and no more than nineteen (19) voting members on its board of directors.

## **ARTICLE VIII.**

No part of the net earnings of the Corporation shall inure to the benefit of or be distributable to its members, trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III hereof. No substantial part of the activities of the Corporation shall be carrying on of propaganda, or otherwise attempting, to influence legislation; and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office. Notwithstanding any provision of these Articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by corporations exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law), or (b) by corporations, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law); or (c) any activity prohibited for corporations organized under the Act..

## **ARTICLE IX.**

Upon dissolution of the Corporation, the Corporation's board of directors shall, after paying or making provision for the payment of all liabilities of the Corporation, distribute any remaining assets of the Corporation exclusively for charitable or educational purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law). Any of such assets not so disposed of shall be disposed of by the District Court of the County in which the principal office of the Corporation has been located exclusively for such charitable or educational purposes or any such organizations that may at the time qualify for exemption under the provisions of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law).

## **ARTICLE X.**

Any action of the board may be taken by written action signed in one or more counterparts, or consented to by authenticated electronic communication, by the number of directors that would be required to take the same action at a meeting of the board at which all directors were present.



## ARTICLE XI.

These Second Amended and Restated Articles of Incorporation supersede the Articles of Incorporation of the Corporation, as previously amended.

vogel-#2556096-v2-restated\_and\_amended\_articles\_of\_incorporation\_for\_the\_plains\_are\_museum

# *State of North Dakota*

## SECRETARY OF STATE



### RESTATED ARTICLES OF INCORPORATION OF

#### PLAINS ART MUSEUM

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that Restated Articles of Incorporation of

#### PLAINS ART MUSEUM

duly signed and executed pursuant to the provisions governing a North Dakota Nonprofit Corporation, have been received in this office and are found to conform to law.

**ACCORDINGLY** the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Restated Certificate of Incorporation to

#### PLAINS ART MUSEUM

Effective Date: June 30, 2016  
Issued: June 30, 2016

Alvin A. Jaeger  
Secretary of State

**EXHIBIT B**

**BYLAWS**

*[see attached]*



# **PLAINS ART MUSEUM BYLAWS**

## **I. OFFICES**

The principal office of the corporation shall be located at 704 1<sup>st</sup> Avenue North, Fargo, North Dakota, or such other place as the board of directors may designate. The corporation may have such other offices, either within or out of the state of its incorporation, as the board of directors may designate or as the business of the corporation may require from time to time.

## **II. MEMBERS**

### **Section 1.    Classification and Dues**

In order to provide a means of attracting interest in and support for the activities of the Museum, the board of directors may establish from time to time one or more classes of membership as it deems fit, on such terms and conditions as the Board by resolution shall determine.

### **Section 2.    Membership Rights**

Members of Museum will have no governance rights and not be entitled to vote, unless the board of directors, by resolution, elects to submit any matter to the members for an advisory vote.

## **III.**

## **BOARD OF DIRECTORS**

### **Section 1.    General Powers**

The business and affairs of the corporation shall be managed by its board of directors.

### **Section 2.    Number, Tenure, and Qualifications**

The number of directors constituting the entire board of directors shall be not less than twelve (12) nor more than nineteen (19), and shall be fixed by resolution of the board of directors. The board of directors, by a two-thirds (2/3) vote of all members of the board, may resolve to increase or decrease the number of directors, provided that no decrease may reduce the existing term of any member of the board. Directors shall be elected for a term of three (3) years, but not to serve more than three (3) full successive terms. Directors must be members in good standing of the Plains Art Museum. Directors need not be residents of the state of North Dakota.

### **Section 3.    Election**

- a. At its annual meeting, the board of directors shall elect directors for each seat which is to be elected that year.
- b. Nominations shall be made by a nominating committee consisting of the corporation's chairperson and other directors as designated by the board. In addition, nominations may be made from the floor at any meeting of the membership or any board of directors meeting at which a director is to be elected.

Section 4. Absences

If any director shall fail to attend three (3) consecutive meetings of the board of directors without excuse accepted as satisfactory by the board, such director may be removed by the board of directors.

Section 5. Removal

Directors may be removed and replaced at any time, without cause, upon a vote of no less than a majority of the entire board of directors then qualified to serve.

Section 6. Meetings

- a. Annual Meeting - The annual meeting of the board of directors shall be held during the month of May at a date, time, and location determined by the board of directors.
- b. Special Meetings - Special meetings of the directors may be called by the chairperson and shall be called by the chairperson upon written request of one-third (1/3) of the directors. The time and place of any special meeting, either within or out of the state of incorporation, shall be fixed by the chairperson.
- c. Regular Meetings - Regular meetings of the board of directors shall be held according to a schedule adopted by the board.

Section 7. Notice

Notice of any special meeting shall be given at least three (3) but not more than thirty (30) calendar days in advance of the meeting by written notice delivered personally or mailed to each director at his or her address on record or by means of facsimile or electronic mail or messaging service at an to an address provided to the corporation by the director.. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so addressed, with postage thereon prepaid. If sent electronically, notice will be deemed given as of the date transmitted. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular

or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

Section 8. Quorum

One-half (1/2) of all directors currently holding office shall constitute a quorum for the transaction of business at any meeting of the directors.

Section 9. Telephone Meeting

A board meeting may be conducted by conference among directors using any means of communication through which the directors may simultaneously hear each other during the conference if the number of directors participating in the conference constitutes a quorum. Any director's participation at any meeting by means of communication through which the director, other directors so participating, and all directors physically present at the meeting may simultaneously hear each other shall constitute presence and participation at the meeting of the board.

Section 10. Absent Directors

A director may give advance written consent or opposition to a proposal to be acted on at any board meeting. Such consent or opposition must be counted as a vote in favor of, or against, the proposal and must be entered in minutes or other record of the action of the meeting if the proposal acted on is substantially the same, or has substantially the same effect, as the proposal to which the director has consented or objected. Any such written consent shall contain the following information: (a) the name of the absent director; (b) a brief statement of the proposal which the absent director consents to or opposes; (c) whether the absent director consents to or opposes the proposal; (d) the date of the meeting to which the consent or opposition applies; and (e) the signature of the absent director. No written consent or opposition is valid for any meetings other than the single meeting specified in the notice and continuation of any meeting temporarily adjourned prior to the completion of the business before the board at such meeting. Notice in writing of such written consent or opposition must be provided to the presiding officer prior to the beginning of the board meeting. A written consent which otherwise satisfies the requirements of this Section 10 may be delivered via facsimile to the principal office of the corporation or through the use of an authenticated electronic communication containing an electronic signature as defined in Section 16.

Section 11. Presumption of Assent

A director of the corporation who is present at a meeting of the board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his or her director's dissent shall be entered in the minutes of the meeting or unless the director shall file his or her written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation



immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

Section 12. Action Without a Meeting

Any action to be, or which may be, taken at a meeting of the board of directors may be taken without a meeting by written action signed in one or more counterparts, or consented to by authenticated electronic communication, by the number of directors that would be required to take the same action at a meeting of the board at which all directors were present. Such consent may take the form of an authenticated electronic communication containing one or more electronic signatures as defined in Section 16.

Section 13. Vacancies

Vacancies on the board of directors resulting from the death, resignation, removal, or disqualification of a director may be filled by the affirmative vote of the majority of the remaining directors even though the remaining directors constitute less than a quorum. All directors shall serve until replaced or until their successor is elected.

Section 14. Committees

The board of directors, by resolution adopted by a majority of the directors then in office, may designate and appoint one or more committees, each consisting of two or more directors. Such committees shall have and exercise the authority of the board of directors in the management of the corporation to the extent provided in such resolution other than as prohibited by NDCC § 10-33-44.

Section 15. Honorary Members

The board of directors may elect individual(s) to serve as honorary member(s) by a vote of two-thirds (2/3) of the entire board of directors. The term of the honorary member(s) shall be established by the board of directors at the time of election. Honorary member(s) may be removed without cause, upon a vote of no less than a majority of the entire board of directors then qualified to serve. Honorary member(s) shall have full voting rights.

Section 16. Authenticated Electronic Communications and Signatures

For purposes of Article III of these Bylaws, any action which may be taken in writing may be taken through the use of an "authenticated electronic communication," including but not limited to electronic mail, and any document which requires a signature may be signed through the use of an "electronic signature," as those terms are defined in Chapter 10-33 of the North Dakota Century Code.

**IV.  
OFFICERS**

Section 1. Number

The officers of the corporation shall be a chairperson, vice chairperson, secretary, and treasurer, each of whom shall be elected by the board of directors. Such other officers and assistant officers, as may be deemed necessary, may be elected or appointed by the board of directors. Any two or more offices may be held by the same person.

Section 2.     Election and Term of Office

The board of directors shall elect the officers of the corporation at the annual board meeting held in May. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. Each officer shall hold office until the officer's successor shall have been duly elected and qualified, until the officer's death, or until the officer shall resign or shall have been removed in the manner hereafter provided.

Section 3.     Removal

Any officer or agent elected or appointed by the board of directors may be removed by the board of directors whenever in its judgment the best interest of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

Section 4.     Chairperson

The chairperson shall be the principal executive officer of the corporation and, subject to the control of the board of directors, shall in general supervise and control all of the business and affairs of the corporation. The chairperson may sign, individually or with any proper officer of the corporation thereunto authorized by the board of directors, any deeds, mortgages, bonds, contracts, or other instruments which the board of directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the board of directors or by these bylaws to some other officer or agent of the corporation, or shall be required by law to be otherwise signed or executed, and in general shall perform all duties incident to the office of chairperson, and such other duties as maybe prescribed by the board of directors from time to time.

Section 5.     Vice Chairperson

In the absence of the chairperson or in the event of his/her death, inability, or refusal to act, the vice chairperson in the order of his/her election, shall perform the duties of the chairperson, and when so acting, shall have all the powers of and be subject to all the restrictions upon the chairperson.

Section 6.     Secretary

The secretary shall: (a) keep the minutes of the membership meetings and the board of directors meetings in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these bylaws or as

required by law; (c) be custodian of the corporate records; (d) keep a register of the post office address of each member, which shall be furnished to the secretary by such member; and (e) in general, perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him or her by the chairperson or by the board of directors.

Section 7. Treasurer

If required by the board of directors, the treasurer shall give a bond for the faithful discharge of the treasurer's duties in such sum, and with such surety, as the board of directors shall determine. The treasurer shall: (a) have charge and custody of, and be responsible for, all funds and securities of the corporation; (b) receive and give receipts for moneys due and payable to the corporation; and (c) deposit all such moneys in the name of the corporation in such banks, trust companies, or other depositories as shall be selected by the board of directors.

Section 8. Salaries

The salaries of the officers shall be fixed from time to time by the board of directors, and no officer shall be prevented from receiving such salary by reason of the fact that he is also a director of the corporation.

**V.  
FISCAL YEAR**

The fiscal year of the corporation shall begin on the first day of July and end on the 30th day of June.

**VI.  
INDEMNIFICATION OF DIRECTORS AND OFFICERS**

Section 1. Indemnification

The Museum shall indemnify (a) any person made or threatened to be made a party to any action or proceeding by reason of the fact that such a person is or was a member of the board of directors or corporate officer of the corporation and (b) any member of the board of directors or corporate officer who served any other corporation of any type or kind, or any partnership, joint venture, trust, employee benefit plan, or other enterprise, association, or entity in any capacity at the request of the corporation, in the manner and to the maximum extent permitted by the Nonprofit Corporation Act of North Dakota currently codified in North Dakota Century Code Chapter 10-33, as it may be amended from time to time. The corporation may, in the discretion of the board of directors, purchase and maintain insurance pursuant to such indemnification and indemnify all other corporate personnel to the extent permitted by law. The foregoing article of indemnification shall extend not only to the officers and directors, but also to the estates and to the personal representatives of the officers and directors and shall be in addition to, and not exclusive of, all other rights to which the officer or



director may be entitled by statute, bylaw, contract, agreement, or vote of the membership of this corporation or otherwise. Indemnification shall not extend beyond the limits permissible under applicable common or statutory laws, state or federal. The corporation shall not be required to indemnify any officer or director if the officer or director has been indemnified by another organization or plan for the same judgment, penalty, fine, or cost with respect to the same proceeding in the same acts or omissions.

## **VII. PRESIDENT/CEO**

### **Section 1.    President/CEO**

The board of directors may appoint and employ a chief administrator of the Museum, designated as president/CEO. The president/CEO shall serve at the pleasure of the board.

### **Section 2.    Duties of President/CEO**

The president/CEO shall have the responsibility and authority for carrying out the policies and procedures that have been adopted and approved by the board of directors. The president/CEO shall be the chief officer of the staff of the Museum, and shall appoint, supervise, and when necessary, discharge individuals who occupy staff positions. The president/CEO shall have such additional powers and duties as may be designated by the board.

## **VIII. WAIVER OF NOTICE**

Whenever any notice is required to be given to any member or director of the corporation under the provisions of these bylaws, under the provisions of the articles of incorporation, or under the provision of the laws of the state of incorporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

**EXHIBIT C**

**PROOF OF IRC § 501(c)(3) RECOGNITION**

*[see attached]*

Internal Revenue Service

Department of the Treasury

P. O. Box 2508  
Cincinnati, OH 45201

Date: July 21, 2003

Person to Contact:

Shirley Rudolph 31-03949  
Customer Service Specialist

Toll Free Telephone Number:

8:00 a.m. to 6:30 p.m. EST  
877-829-5500

Fax Number:

513-263-3756

Federal Identification Number:

41-1260780

Plains Art Museum  
P. O. Box 2338  
Fargo, ND 58108-2338

Dear Sir or Madam:

This is in response to your request of July 21, 2003 regarding your organization's tax exempt status

In November 1997 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in section 509(a)(2).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.



Plains Art Museum  
41-1260780

Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

Section 6104 of the Internal Revenue Code requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. The law also requires organizations that received recognition of exemption on July 15, 1987, or later, to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. Organizations that received recognition of exemption before July 15, 1987, and had a copy of their exemption application on July 15, 1987, are also required to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. For additional information on disclosure requirements, please refer to Internal Revenue Bulletin 1999 - 17.

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

This letter affirms your organization's exempt status.

Sincerely,

A handwritten signature in cursive script, reading "John E. Ricketts".

John E. Ricketts, Director, TE/GE  
Customer Account Services

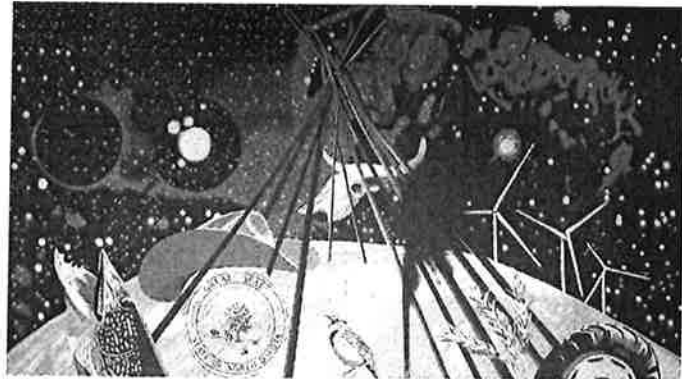
**EXHIBIT D**

**MUSEUM BACKGROUND AND PROGRAMMING**

*[see attached]*

# PLAINSART MUSEUM

Plains Art Museum is a center for education, (a [501c3 charitable organization](#)), and is the largest, most dynamic, and only AAM-Accredited art museum in North Dakota. In addition, North Dakota-native Museum Director Andrew Maus is a member of the Association of Art Museum Directors (AAMD), which upholds the highest educational and operating standards for nonprofit and public sector museums nationwide.



As a teaching museum, education is central to everything that Plains Art Museum does in engaging almost 50,000 people each year. In 2016, the Museum received one of the region's highest philanthropic honors for nonprofits – the Bush Prize for Community Innovation. This support was provided by the Bush Foundation due to the Museum's development of the [Katherine Kilbourne Burgum Center for Creativity](#), which opened in 2012 to increase the availability of programming designed to improve creativity and problem solving through art creation.

Supported by over 800 households, businesses and philanthropic organizations – including grants through the City of Fargo and the State of North Dakota and several others – Plains Art Museum is general admission free and open to the public thanks to our ongoing [PlainsArt4All\\*](#) Initiative. The Museum exists to educate and engage the community using art as the foundation via a: 1.) teaching museum, 2.) the Katherine Kilbourne Burgum Center for Creativity, and 3.) a teaching garden called The Pollinator Garden. All of these facilities are entirely used to advance the educational mission of the Museum. None of these entities and functions would exist if it were not from the charitable support of many people and businesses who see the value that we provide in moving the North Dakota forward. In addition, Plains Art Museum owns and operates Big Top Bingo as part of ND's nonprofit charitable gaming program. All proceeds of Big Top Bingo go to support Plains Art Museum's charitable mission.



## **Mission & Values**

Plains Art Museum connects art, artists, and audiences to foster creative, resilient, and welcoming communities. We live this mission through articulated values of 1. *Learning*, 2. *Access*, 3.



*Commitment, 4. Stewardship, 5. Integrity, 6. Excellence, and 7. Cultivating a Dynamic Workplace.*

## **Charitable Status**

The Museum's Articles of Incorporation explain our charitable purpose: "The Corporation is organized exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1954.

## **School Education, Curricula & Teacher Resources**

### **(Values: Learning, Excellence)**

Several studies have proven the effectiveness of art museum education in nurturing more skillful, confident, and empathetic students. These improvements extend across disciplines. For example, a major study by Michigan State University showed that entrepreneurs and patent holders had 8 times more art experiences as children than the average American citizen. A separate study at the University of Arkansas showed that a single guided educational experience in a museum with school children showed increases in cultural curiosity and empathy.



At Plains Art Museum, art is not a means to an end, but rather a vehicle for building important critical thinking skills, self awareness, creativity, and for humanitarian purposes of nurturing empathy and multicultural understanding. These are the reasons that school programs encompass the largest program series of the Museum, engaging over 10,000 students each year. Much of our school program curricula includes inquiry-based gallery teaching designed to increase critical thinking skills and art making activities designed to increase problem solving skills. These include programs like:

- Tours and activities led by professional teaching artists for rural and Fargo-metro schools
- Partnership Programs like our exemplary program with Fargo Public Schools
- Plains Art Inside & Out, which takes ceramics to rural schools in need of an arts curriculum
- School Spirit: Celebrating Youth Art Month exhibition and reception, giving students the confidence of a museum exhibition
- Teacher Resources like our free Plains Art Cases, which deliver educational materials into classrooms

## Creativity Enhancing Programs (Values: Learning, Excellence)



Every year, the Katherine Kilbourne Burgum Center for Creativity at Plains Art Museum offers dozens of community classes and art making events for all ages and abilities led by teaching artists and professional educators designed to increase creativity and problem solving skills. Studies consistently show that making art in classes guided by professional artists and educators is successful at improving these skills and enhancing success in other disciplines. When there is cost to these programs, that cost is partially

subsidized by the Museum to make them accessible. In addition, scholarships are available for those in need of financial assistance. These include programs like:

- Artist-Led Summer Art Camps for kids
- Free Kid Quest family art making events
- Ceramics and pottery classes for all ages and abilities
- Tuesdays for Toddlers
- Littles Art Day

## Humanitarian, Environmental and Leadership Programming (Values: Access, Integrity, and Commitment)

Plains Art Museum also uses our resources and programming for humanitarian and problem solving purposes, values that were reflected in Director Andrew Maus' TEDxFargo talk, "Art Museums: An Unlikely Community Problem Solver." These programs at the Museum include programs like:

- Art + Autism and Low Sensory Mondays: programs designed specifically for families with children on the Autism spectrum which use art to further the communication skills of participants, as well as providing a positive bonding experience and space to lessen social isolation
- International Potluck: community potluck events that use food to build community in partnership with other nonprofits that serve New Americans in Fargo. As the Museum has learned, one of the greatest needs of New Americans or anyone new to a location is to integrate into the community. In Fargo, this space is often the free, welcoming and diverse environment of the Museum.



- Buzz Lab: Funded through grant support by the Institute of Museum and Library Services, this is a multi-disciplinary teen internship program that teaches participants about pollinators and the importance of creating sustainable spaces that are ecologically friendly. The program also empowers participants to co-create the curriculum and connects them with leaders in a variety of arts and science leaders.
- Creative Community Leadership Institute: A leadership institute with other nonprofit partners throughout the region for creatives, artists, culture bearers, and community builders to advance their networks, engage in community projects, and grow their leadership skills.

## Other Learning Programs (Values: Learning, Excellence)

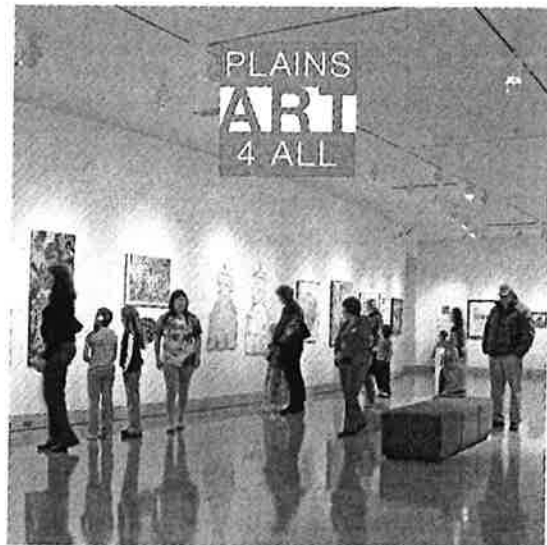


Every year, Plains Art Museum organizes dozens of FREE public programs designed to transfer cultural knowledge, inspire creativity, and prompt dialogue. These include programs like:

- Creative Voices Talks, featuring Native American artists and culture bearers
- Gallery Talks & Lectures
- Symposia
- Native American Film Series

## **\*PlainsArt4All Exhibitions are Learning Opportunities for Everyone** (Values: Access, Stewardship, Integrity, Commitment, and Excellence)

In 2017, Museum Director Andrew Maus brought a new level of value to increasing education and accessibility. At the beginning of that year, the Museum introduced scholarships – funded by the Creative Plains Foundation (a separate nonprofit) – for youth art classes, designed to ensure that cost would not be a barrier to nurturing creativity and problem solving. In that same year, we also made the bold move to offer the Museum's exhibitions general admission free through our ongoing PlainsArt4All initiative. Exhibitions at Plains Art Museum are always centered in education through professionally researched information and interactive activities designed by professional educators. Every year, Plains Art Museum organizes and presents over 20 of these





exhibitions for people of all ages and abilities. These range from the historically significant to the work of regional artists – all of which are presented by the Museum's team of professional curators and educators. PlainsArt4All has transformed the Museum into an open community space for learning experiences without financial barrier, making North Dakota a leader in educational access.

**EXHIBIT E**  
**SUMMARY BUDGET**

*[see attached]*

Plains Art Museum  
Budget 2020-2021

	2020 -2021 Budget
<b>Revenue</b>	
Grants	\$679,613
Membership and Community Support	\$236,960
Gala	\$86,000
Events, Café, Store and Rental Income	\$164,061
Classes, Tours and Firing	\$94,680
Fargo Public Schools	\$110,310
Total Revenue	<u>\$1,371,624</u>
<b>Expenditures</b>	
Wages & Salaries	\$1,136,257
Benefits & Payroll Taxes	\$165,258
Travel	\$43,200
Training	3,400
Hospitality	\$25,966
Supplies	\$129,130
Postage and Freight	\$87,210
Printing	\$32,024
Promotions	\$30,666
Insurance	\$28,148
Professional Fees	\$247,974
Utilities	\$135,320
Maintenance and Repairs	\$45,558
Other	\$14,856
Total Operating Expenditures	<u>\$2,124,967</u>
Change in Net Assets Operations	<u>(\$753,343)</u>
Gaming Operations Net	\$739,260
Change in Net Assets Operations with Gaming	<u>(\$14,083)</u>
Depreciation	(\$296,220)
Interest Expense	(\$26,947)
Investment Portfolio Income	\$136,476
Change in Net Assets	<u><u>(\$200,774)</u></u>



## MEMORANDUM

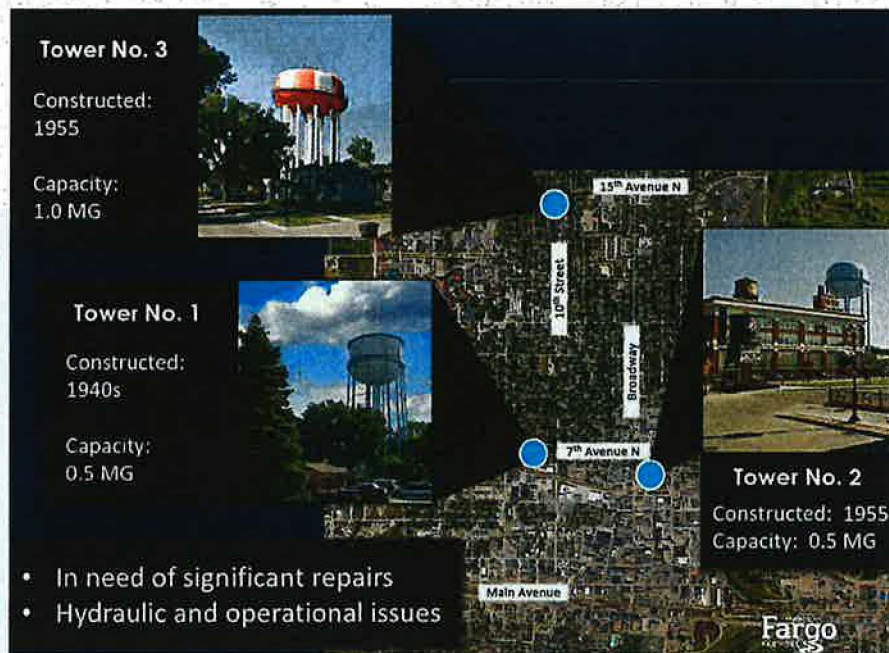
January 7, 2021

24a

**To:** Honorable Board of City Commissioners  
**From:** Troy Hall, Water Utility Director *TBH*  
**Re:** Bid Opening – Project WA1910  
Downtown Water Tower Improvements

### Introduction

On November 2, 2020, the City Commission authorized an advertisement for bids for the above referenced project. The project involves construction of a new, larger water tower to replace the three oldest water towers in the Fargo water distribution system. An illustration of the old water towers and Fargo locations is shown in **Diagram 1**.



**Diagram 1**

Since these old water towers are relatively close together and have distribution hydraulic issues, a single water tower with larger storage volume will provide improved fire protection and emergency storage for the Downtown/NDSU area. The water available to fire hydrants in this area has been computer

modeled in a Downtown Water Tower study to support this project. The new water tower – along with other water distribution improvements – will provide robust fire and water emergency protection to this local area of Fargo into the future. Construction of a new Composite Elevated Storage Tank (CET) will provide cost-efficient solution and has been approved for a cost-share grant of \$2.814 million with the State Water Commission. Benefit of the new Downtown Water Tower project include the following:

- ***Improved Fire & Emergency Storage in the Downtown/NDSU Areas***
- ***Provides a \$3 million to \$7 million Reduction in Life-Cycle Costs for Water Towers***
- ***Public Safety Communications Improvements via Red River Dispatch Partnership***
- ***Protect Water Distribution System Against Water Main Breaks***
- ***Reduces Risk of Ice Damage to Several Fargo Water Towers***
- ***Less Complicated Control of Water Levels in All Water Fargo Towers***
- ***Allows Full Adoption of Operational Strategy in 2005 Water Distribution Master Plan***

## Bid Opening Results

Construction bids were opened at 11:45am on Wednesday, December 2, 2020 for the Downtown Water Tower project as described above. The project was bid both as separate individual contracts (General, Mechanical and Electrical) and a single “combined” contract. Therefore, bids were submitted for the following contracts:

- Contract 1 – General Construction***
- Contract 2 – Mechanical Construction***
- Contract 3 – Electrical Construction***
- Contract 4 – Combined Construction***

In addition, the project included one (1) bid alternates as listed below:

*Alternate #1 – Water Tower Art*

Results of the bid opening have been tabulated on the attached spreadsheets and a summary of the low bids is presented below:

**BID SUMMARY TABLE**

<u>Contractor</u>	<u>Base Bid Proposal</u>	<u>Engineer's Estimate</u>
<b>Contract 1 – Phoenix Fabricators</b>	<b>\$7,936,721</b>	\$6,350,000
<b>Contract 2 – No Bidders</b>	<b>No Bid</b>	\$ 145,000
<b>Contract 3 – JDP Electric, Inc.</b>	<b>\$ 546,200</b>	\$ 505,000
<b>Contract 4 – Landmark Structures</b>	<b>\$8,984,000</b>	\$7,000,000

Since there were no Mechanical Construction bidders, North Dakota Century Code allows two (2) options to award this project:

- Option 1** - Award to Contract 4 (Combined Construction)
- Option 2** - Award to Contract 1 (General Construction) & Contract 3 (Electrical Construction), negotiating the Mechanical Construction

## Plan of Financing

The Downtown Water Tower project is a component of the City's water infrastructure Capital Improvements Plan (CIP) and is scheduled to be funded through a State Water Commission (SWC) grant and Infrastructure Sales Tax (Fund 450). Therefore, the current plan of financing that has been established for Project WA1910 is as follows:

SWC Grant	=	\$2,814,000
<u>DWRSF Loan</u>	=	<u>\$3,936,000</u>
<b>Total</b>	=	<b>\$6,750,000</b>

**Note:** Public Safety Communications Improvement to be paid by Red River Dispatch

Unfortunately, the low bid total under Option 1 and Option 2 exceeds the plan of financing:

<b>Award Option 1</b>	Contracts 4	=	\$8,984,000
	<u>Plan of Financing</u>	=	<u>\$6,750,000</u>
	<b>Funding Shortfall</b>	=	<b>\$2,234,000</b>
<b>Award Option 2</b>	Contracts 1-3	=	\$8,627,921 (Assumes Mechanical @ \$145,000)
	<u>Plan of Financing</u>	=	<u>\$6,750,000</u>
	<b>Funding Shortfall</b>	=	<b>\$1,877,921</b>

The plan of financing is also intended to cover the professional engineering/architecture fees associated with the project which will further increase the funding shortfall amount. Therefore, it is the opinion of WTP staff that the bids be rejected and the project be authorized for rebid following a value engineering effort to stay within the plan of financing or significantly improve project costs. It should be noted that the estimated project cost of the Downtown Water Tower Study was \$6.9 million (in 2016 dollars).

Your consideration in this matter is greatly appreciated.

## Suggested Motion:

Reject all bids for Contracts 1-4 associated with Project WA1910, Downtown Water Tower Improvements, due costs exceeding Engineer's Estimate. Authorize a value engineering effort and a rebidding of Project WA1910 to construct a new 2.5 million gallon Composite Elevated Storage Tank (CET).



## Bid Tabulation

### Fargo, North Dakota, Downtown Water Tower

Wednesday, December 2nd | 11:45 AM | Fargo City Hall

Apex Project No. 18.351.0088

Plan Holder	Add. 1	5% Bid Bond	Contr. License	Contract A General	Contract B Mechanical	Contract C Electrical	Contract D Combined	Alternate 1 (Add)
Landmark Structures	x	x	x	\$8,445,000	No Bid	No Bid	\$8,984,000	\$154,000
McDermott				Bid Received Late. Bid Not Opened.				
Phoenix Fabricators	x	x	x	\$7,936,721	No Bid	No Bid	No Bid	\$186,981
JDP Electric	x	x	x	No Bid	No Bid	\$546,200	No Bid	No Bid
Rickard Electric	x	x	x	No Bid	No Bid	\$566,650	No Bid	No Bid
Lowest Each Contract				\$7,936,721	No Bid	\$546,200	\$8,984,000	\$154,000
Engineer's Opinion of Estimated Cost				\$6,350,000	\$145,000	\$505,000	\$7,000,000	\$180,000

#### Certification:

I certify that these bids were received and opened on Wednesday, December 2nd at 11:45 AM at Fargo City Hall, Engineering Conference Room, 225 4th St N, Fargo, ND.

  
Timothy J. Paustian, PE

**MEMORANDUM**

246

**DATE:** January 7, 2021  
**TO:** City Commission  
**FROM:** Nicole Crutchfield, Planning Director *NC*  
**RE:** Review of Bid Alternate #1, Water Tower Art Work

On March 26, 2020, the Utilities Committee authorized staff to work with the City's Arts and Culture Commission to seek a public artist to engage in community outreach for the creation of a mural to be incorporated into the bid documents of the water tower. The Finance Committee reviewed and approved this work at the May 26, 2020 meeting. In July, the Call for Artists (RFP) was issued, with selection of an artist team in August. During August, September and October, REACH Partners and Black Ink (the project team) facilitated several community listening and visioning sessions for the creation of a total of five mural concepts, which were then revised to two. The final design was selected by the Arts and Culture Commission at their October 21, 2020 meeting. This design was incorporated into the watertower bid package as Bid Alternate #1.

At the City Commission meeting staff will present the project processes and the method for the creation of the artwork for incorporation of the bid documents.

**Recommended Action:**

Approve the Arts and Culture Commission and Mayor's recommendation for inclusion of Bid Alternate #1 into new water tower bid package.

CITY OF  
**Fargo**  
ASSESSMENT DEPARTMENT

December 24, 2020

26 a

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 3307 West Prairiewood Dr S as submitted by Edward & Susan Ankrum. 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 \$535 with the City of Fargo's share being \$90.

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 Edward & Susan Ankrum Phone No. 701-306-3748(E)  
701-200-2624(S)

2. Address of Property 3307 West Prairiewood Dr S  
City FARGO State ND Zip Code 58103

3. Legal description of the property for which the exemption is being claimed. Lt 4, Blk 1 Dakota Land

4. Parcel Number 01-0530-00729-000 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). Remodel kitchen & main floor baths

7. Building Permit No. 20030296 8. Year Built 1984

9. Date of Commencement of making the improvement March 2020

10. Estimated market value of property before improvement \$ 266,400

11. Cost of making the improvement (all labor, material and overhead) \$ 80,000

12. Estimated market value of property after improvement \$ 305,100

**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 Susan Ankrum Date 12/16/2020

**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 J. Lonsdale Date 12-28-2020

**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 \_\_\_\_\_

CITY OF  
**Fargo**  
ASSESSMENT DEPARTMENT

266

December 30, 2020

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2306 Victoria Rose Dr S as submitted by Dustin & Bridget Knudson. 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 \$220 with the City of Fargo's share being \$40.

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 Dustin & Bridget Knudson Phone No. 701-870-7690  
2. Address of Property 2306 Victoria Rose Dr S  
City FARGO State ND Zip Code 58104  
3. Legal description of the property for which the exemption is being claimed. Lt 5, Blk 2, Rose Creek 3rd  
4. Parcel Number 01-2484-00290-000 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). Lower level remodel-bath & family room  
7. Building Permit No. 19120460 8. Year Built 1990  
9. Date of Commencement of making the improvement January 2020  
10. Estimated market value of property before improvement \$ 363,300  
11. Cost of making the improvement (all labor, material and overhead) \$ 40,000  
12. Estimated market value of property after improvement \$ 380,100

**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 [Signature]

Date 10-6-2020

**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 1-5-2021

**Action of Governing Body**

5. 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 \_\_\_\_\_

CITY OF  
**Fargo**  
ASSESSMENT DEPARTMENT

260

December 29, 2020

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3414 21 St S as submitted by Susan Quandt. 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 \$150 with the City of Fargo's share being \$25.

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 Susan Quandt Phone No. 701-306-2173
2. Address of Property 3414 21 St S
- City FARGO State ND Zip Code 58104
3. Legal description of the property for which the exemption is being claimed. Lt 18 Blk 3  
South Pointe 3rd
4. Parcel Number 01-2832-00410-000 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). Reside exterior of dwelling
7. Building Permit No. 20100665 8. Year Built 1988
9. Date of Commencement of making the improvement 10-19-2020
10. Estimated market value of property before improvement \$ 272,400
11. Cost of making the improvement (all labor, material and overhead) \$ 24,685.50
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 Susan Quandt Date 12-24-2020

**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 Thick J. ... Date 1-5-2021

**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**

**CITY OF**  
**Fargo**  
**ASSESSMENT DEPARTMENT**

261

December 24, 2020

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1529 10 St S as submitted by Bradley Jorgensen. 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 \$150 with the City of Fargo's share being \$25.

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)

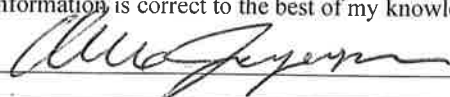
**Property Identification**

1. Name of Property Owner	Bradley Jorgensen	Phone No. _____
2. Address of Property	1529 10 St S	
City	FARGO	State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	S 25' of Lt 7, all of Lt 8, Blk 20 Huntingtons	
4. Parcel Number	01-1400-03550-000	Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	Same	
City	_____	State _____ Zip Code _____

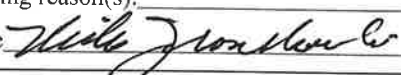
**Description Of Improvements For Exemption**

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).		New siding
7. Building Permit No.	20070462	8. Year Built 1940
9. Date of Commencement of making the improvement	July 2020	
10. Estimated market value of property before improvement	\$ 292,600	
11. Cost of making the improvement (all labor, material and overhead)	\$ 15,230	
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 	Date 12/19/2020

**Assessor's Determination**

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):	
Assessor's Signature 	Date 12-28-2020

**Action of Governing Body**

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

CITY OF  
**Fargo**  
ASSESSMENT DEPARTMENT

December 22, 2020

26e

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 1505 5 St S as submitted by Robert & Tammy Brooks. 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 \$215 with the City of Fargo's share being \$35.

Sincerely,



Mike Spionskowski  
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>Robert &amp; Tammy Brooks</u>	Phone No. <u>232-2332</u>
2. Address of Property <u>1505 5 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>Lt 2, Blk 15</u> <u>Huntingtons</u>	
4. Parcel Number <u>01-1400-02310-000</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>Housing Rehab Project-Install drain tile &amp; sump/</u> <u>Remove walls on mn lvl, new sheetrock, reframe/insulate basement walls</u>	
7. Building Permit No. <u>19120410</u>	8. Year Built <u>1949</u>
9. Date of Commencement of making the improvement <u>January 2020</u>	
10. Estimated market value of property before improvement	\$ <u>158,800</u>
11. Cost of making the improvement (all labor, material and overhead)	\$ <u>27,368</u>
12. Estimated market value of property after improvement	\$ <u>175,200</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.	
Applicant's Signature <u>Robert Brooks</u>	Date <u>12-14-2020</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>John J. [Signature]</u>	Date <u>12-22-2020</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 _____

CITY OF  
**Fargo**  
ASSESSMENT DEPARTMENT

December 16, 2020

26f

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 1632 Flickertail Cir S as submitted by Emily & Timothy Wilcox. 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 \$150 with the City of Fargo's share being \$25.

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 <u>Emily &amp; Timothy Wilcox</u>	Phone No. <u>701-361-3411</u>
2. Address of Property <u>1632 Flickertail Cir 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>Lt 17, Blk 3 Replat</u> <u>Southview Villages</u>	
4. Parcel Number <u>01-2840-00460-000</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>Full bath remodel</u>	
7. Building Permit No. <u>19110712</u>	8. Year Built <u>1976</u>
9. Date of Commencement of making the improvement <u>November 2019</u>	
10. Estimated market value of property before improvement	\$ <u>232,900</u>
11. Cost of making the improvement (all labor, material and overhead)	\$ <u>16,000</u>
12. Estimated market value of property after improvement	\$ <u>244,100</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.	
Applicant's Signature <u>Emily Wilcox</u>	Date <u>12/13/20</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. [Signature]</u>	Date <u>12-22-2020</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 _____

**CITY OF**  
**Fargo**  
**ASSESSMENT DEPARTMENT**

January 5, 2021

269

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 718 11 Ave N as submitted by Jason Jacobson. 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 \$100 with the City of Fargo's share being \$15.

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 <u>JASON JACOBSON</u>	Phone No. _____
2. Address of Property <u>718 11<sup>th</sup> Ave. N.</u>	
City <u>FARGO</u>	State <u>ND</u> Zip Code <u>58102</u>
3. Legal description of the property for which the exemption is being claimed. <u>Lot 1 Block 16 Chapins</u>	
4. Parcel Number <u>01-0440-03100-000</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>All New Sheeting + shingles on Roof</u>	
7. Building Permit No. <u>20060726</u>	8. Year Built <u>1916</u>
9. Date of Commencement of making the improvement <u>6/18/20</u>	
10. Estimated market value of property before improvement	\$ <u>165,500</u>
11. Cost of making the improvement (all labor, material and overhead)	\$ <u>12,261.60</u>
12. Estimated market value of property after improvement	\$ <u>173,300</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.	
Applicant's Signature <u>[Signature]</u>	Date <u>12/30/2020</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>[Signature]</u>	Date <u>1-5-2021</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 _____

DATE: January 7, 2021

TO: City Commission

FROM: Commissioner Tony Gehrig

RE: Proposal to amend snowmobile ordinance

Dear Commissioners,

I would appreciate your consideration of an amendment to the City's existing snowmobile ordinance, Fargo Municipal Code Section 8-1320, the text of which is provided below. I would like your approval of direction to our City Attorney to work with City staff to develop the concepts below and to draft an amendment to the ordinance accordingly:

1. Permit snowmobile use near city outskirts. The proposed amendment would authorize use of snowmobiles on public roads near outskirts of the city to allow residents to gain access to rural areas for snowmobiling.
2. Permit snowmobile use during major snow events. The proposed amendment would authorize use of snowmobiles on public roads during and after major snow events for the purpose of allowing citizens to travel to work. We have authorized the Mayor to declare certain snow events as being substantial enough to warrant no-parking downtown in a recent ordinance. The same Mayoral snow-event declaration could be used to authorize the use of snowmobiles on public roads to allowing people to travel to work.
3. Currently, violations of the City's snowmobile regulations is a Class B misdemeanor with a maximum sentence of a \$1500 fine, 30 days jail or both said fine and jail. I feel this is excessive and the penalty should be reduced to a non-criminal offense with a monetary penalty.

Again, the current text of F.M.C. Section 8-1320 is pasted on the attached page.

**SUGGESTED MOTION:** I move to direct the City Attorney to work with City staff to develop the concepts as presented and to prepare an ordinance amending the current snowmobile ordinance accordingly.

(27)

Fargo Municipal Code §8-1320. - Regulations for the use and operation of snowmobiles.

- A. No person under the age of 16 years shall operate a snowmobile in the city of Fargo and no person owning or having custody of any snowmobile shall authorize or permit any person under the age of 16 years to operate said snowmobile, except that persons between the ages of 10 and 16 years shall be permitted to operate snowmobiles when under the supervision, direction and control of a parent or guardian.
- B. No person shall operate or permit to be operated any snowmobile anywhere in the city of Fargo except on property owned or leased by him or on property adjacent thereto after permission has been obtained from the owner or on property owned or maintained by the Fargo Park Board, and then only upon such park areas as are designated in writing by the park board and posted in at least three public places within the city of Fargo. A copy and listing of the areas designated by the park board for operation of snowmobiles shall also be kept on file in the police department, in the city hall and in the offices of the park board of the city of Fargo.
- C. It shall be unlawful to operate or to permit the operation of a snowmobile anywhere in the city of Fargo prior to 7:00 a.m. or after 10:00 p.m. of any day.
- D. Snowmobiles shall not be driven to areas designated for their use by the park board but shall be transported thereto by automobile or trailer or other appropriate means.
- E. No person owning or having custody or control of a snowmobile shall operate or permit the operation thereof upon any real property or land within the city of Fargo not owned or leased by such person except as elsewhere permitted by this ordinance, nor shall such person operate or permit to be operated any snowmobile upon any street, alley, roadway, berm, boulevard, sidewalk, ditch, or city-owned property or right-of-way within the city of Fargo.
- F. No snowmobile shall be operated anywhere in the city of Fargo with more than one operator and one passenger aboard unless the manufacturer's specifications or recommendations permit or authorize more than two persons.
- G. No snowmobile shall be used to pull any sled, toboggan, flying saucer or any other similar device except that sleds attached by a metal towbar may be pulled and persons on skis may be pulled if a towrope at least 50 feet long is used.
- H. It shall be unlawful to operate any snowmobile in the city of Fargo unless it is equipped with a factory muffler or the equivalent in good working order.
- I. No person may operate a snowmobile, and an owner of a snowmobile may not knowingly permit the snowmobile to be operated anywhere in the city of Fargo, without a policy of liability insurance which insures the person named, and any person using the snowmobile with the express or implied permission of the person named, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of the snowmobile within this state, subject to the following limits, exclusive of interest and costs, with respect to each

snowmobile: \$25,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, \$50,000 because of bodily injury to or death of two or more persons in any one accident, and \$25,000 because of injury to or destruction of property of others in any one accident. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within 20 days.

J. Any snowmobile which is operated in violation of any of the provisions of this ordinance may be impounded by the police department.

K. Every person, firm or corporation violating subsections (I) is guilty of a Class B misdemeanor and must be assessed a fine of at least \$100.