

FARGO CITY COMMISSION AGENDA

Monday, July 13, 2020 - 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, June 29, 2020).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. 1st reading of an Ordinance Relating to Child Care Centers.
- 2. 2nd reading and final adoption of the following Ordinances; 1st reading on 6/29/20:
  - a. Annexing a Certain Parcel of Land Lying in the East Half of Section 14, Township 140 North, Range 49 West.
  - b. Rezoning Certain Parcels of Land Lying in the Luxsun 25th Street North Addition.
- 3. Site Authorization for Fargo Metro Baseball Association at Borrowed Buck's Roadhouse.
- 4. Applications for Games of Chance:
  - a. El Zagal Provost for a raffle from 8/1/20 to 9/10/20.
  - b. Knights of Columbus Fourth Degree Assembly 788 for a calendar raffle from 1/1/21 to 1/31/21.
  - c. FM Walleyes Unlimited Inc. for a raffle on 12/3/20.
- 5. Bid award for the remodeling of the entertainer dressing rooms/catering room/hallway at the FARGODOME (RFP20128).
- 6. Receive and file Financial Status Report Year-to-Date through 6/30/20 for major operating funds (unaudited).
- 7. Bid award for Fire Department medical supplies.
- 8. Bob Woodruff Foundation Stimulus Grant in the amount of \$2,500.00 for the ND Cares-Fargo.
- 9. Contract Extension No. 1 with NDDDES and ND Department of Human Services for Service Agreement for Shelter Manager.
- 10. Purchase of Service Agreement with Kindred Public School District.
- 11. Notice of Grant Award with the ND Department of Health for increasing Immunization rates – LPHN (CFDA #93.268).

12. Agreement for Statewide Tobacco Prevention Public Education Campaign with Upper Missouri District Health Unit.
13. Resolution Approving Amendment to the Community Development Block Grant (CBDG) 2018 Action Plan.
14. Resolutions approving Plats for the following:
  - a. Corwin 2nd Addition.
  - b. South Forty at Osgood Third Addition.
15. Concur with the recommendations of the Public Works Projects Evaluation Committee and approve the design for the reconstruction of 5th Street North in association with the Mercantile Parking Garage project.
16. Land Use Agreement with Aldevron, LLC.
17. Purchase of one Spartan Fire Aerial Truck through Sourcewell Cooperative Purchasing Agency (PBC022818).
18. Bid award for fuel purchase for the 1st and 2nd quarters of 2021 (RFV20118).
19. Bid award for generator maintenance services work (RFP19145).
20. Changes to the electrical scope of work for the Ground Transportation Center Remodel Project (F18006 and F19011).
21. Bid advertisement for South Regional Water Connection Improvements – Phase I.
22. Contract and bond for Project No. BP-00-57.
23. Purchase Agreement with Terry A. King and Rhonda R.O. King for property located at 6375 31st Street South.
24. Amended and Restated Encroachment Agreement (Adjacent to Block Nine Tower) with Block 9 Master Condominium Association.
25. Bills.
26. Negative Final Balancing Change Order No. 1 in the amount of -\$14,290.50 for Improvement District No. SL-19-B1.
27. Change Order No. 2 in the amount of \$9,336.94 and Time Extension for Improvement District No. BR-20-E1.
28. Easement Use and Protection Agreement with Fargo Public Schools.
29. Bid award for Improvement District No. SL-20-B1.

**REGULAR AGENDA:**

30. Recommendation from Finance Director Kent Costin for appointment of a City Assessor.
31. COVID-19 Update:
  - a. Health Update.

32. Public Hearings - 5:15 pm:
  - a. Hearing on a dangerous building located at 717 3rd Avenue North.
  - b. Craigs Oak Grove Second Addition (505, 509 and 515 Oak Street and 2, 6 and 10 6th Avenue North); approval recommended by the Planning Commission on 6/2/20:
    1. Zoning change from MR-2, Multi-Dwelling Residential and DMU, Downtown Mixed Use to MR-2, Multi-Dwelling Residential and DMU, Downtown Mixed Use, repeal existing PUD, Planned Unit Development overlay.
    2. 1st reading of rezoning Ordinance.
    3. Plat of Craigs Oak Grove Second Addition.
  - c. Truesdell's Addition (814, 818 and 822 Oak Street North); approval recommended by the Planning Commission on 6/2/20:
    1. Zoning change from SR-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential.
    2. 1st reading of rezoning Ordinance.
33. Presentation on the NDSCS Career Workforce Academy:
  - a. Recommendation for the City of Fargo to pledge \$300,000.00 per year for 5 years to the NDSCS Career Workforce Academy project.
34. Recommendation to amend the Remodeling Tax Exempt Policy.
35. Application for a property tax exemption for improvements made to a building for James and Geraldine Flaig, 2206 8th Street North (5 year).
36. Purchase Agreements for the New Downtown Water Tower Site (Project No. WA1910).
37. Recommendations for the Fargo Police Chief Selection Committee.
38. Discussion regarding the permitting process for protests.
39. Recommendations for revisions to the Fargo Police Department Policy regarding chokeholds.

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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**FINANCE OFFICE**

PO Box 2083

225 4th Street North

Fargo, ND 58102

Phone: 701.241.1333 | Fax: 701.476.4188

[www.FargoND.gov](http://www.FargoND.gov)

**TO: BOARD OF CITY COMMISSIONERS**  
**FROM: KENT COSTIN, DIRECTOR OF FINANCE** *KAC*  
**RE: CITY ASSESSOR APPOINTMENT RECOMMENDATION**  
**DATE: JULY 7, 2020**

Ben Hushka retired as City Assessor after serving the City of Fargo for the past 44 years. A recruitment process was initiated in June and has been completed by Michael Redlinger, Jennifer Lyon and me.

We are pleased to offer the City Assessor job to Michael Splonskowski, who has served in the City Assessor's Office since 2013. He is excited to transition into a leadership role for this Division.

The City Assessor is an appointed position in accordance with the City's Home Rule Charter. The recruitment team is requesting your approval to appoint Mr. Splonskowski.

**Suggested Motion:**

Approve the appointment of Michael Splonskowski as the City Assessor, effective immediately.





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**Fargo Inspections**

City of Fargo  
225 Fourth Street North  
701-241-1561  
fax 701-241-1526

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## **Memorandum**

DATE: July 9, 2020  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Bruce Taralson, Inspections Administrator  
SUBJECT: Dangerous Building Notice and Order at 717 3 Avenue N., Fargo, ND

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The property owner of 717 3 Avenue N., Fargo, ND, the property that is subject of the attached Notice, has failed to comply with my order to remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-0405, it will now be necessary for you to set a date for a hearing 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 **make a motion determining this to be a dangerous building, direct staff and City Attorney to take action, order its removal by September 10, 2020, and direct appropriate staff to secure the removal of this building at that time, should the owner fail to do so.**



## **DANGEROUS BUILDING ORDER TO COMMISSION- Detail and Timeline**

The hearing scheduled for July 13, 2020, is required under Article 21-0405 for the purpose of allowing any interested parties the opportunity to comment, and to allow the Owner of the property the opportunity to appear and show cause why the City of Fargo should not cause the removal of this building.

The 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 9 of the 10 criteria found in the ordinance which only one might be required. Our report on ordinance requirements is as follows:

1. Inspections Department received complaint on property.
2. Inspections Department inspected the property.
3. Inspections placed notice on the building.
4. Inspections secured assessors report.
5. Inspections provided notice to Owner giving 30 days.
6. Inspections report to City Commission today.

In your packets, you will find my 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. A Dangerous Building notice was sent to the Owner and posted on the structure on 5/14/2019. The Owner obtained a permit on 7/2/2019 to demolish the rear portion of the existing building but expired after 180 days of no activity. The Owner was notified of the expired/voided permit.

In your packets you will find copies of the photos we have 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 required.

Page 7 **PROPERTY INFORMATION-** Building is currently vacant and is uninhabitable due to condition and current Inspections order. Deterioration is extensive. Building constructed in 1907.

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

**Description of damage:** Multiple windows and doors are boarded up, Pillar on porch has fallen over, foundation has loose/missing blocks, signs of infestation, exterior of house is deteriorated and paint is peeling.

**Timeline of events** – (applicable pictures are enclosed)

**6/11/1999** – As per City of Fargo Water Department, water has been shut off since 1999.

**8/17/2004** – As per Xcel Energy, last date of electrical use was 8/17/2004.

**5/1/2019** - Inspections received a complaint regarding the condition of the property.

**5/9/2019** - Initial inspection of property.

**5/14/2019** - Building was placarded.

**6/21/19** – Inspections received email from Owner. (enclosed).

**7/2/2019** - Demolition permit was issued to Owner.

**12/24/2019** - Expired Permit Notice mailed to Owner.

**12/27/2019** – Inspections received letter from Owner. (enclosed).

**5/11/2020** - Inspections received letter from Owner. (enclosed).

**6/25/2020** – Inspections Requested Dangerous Building hearing for 7/13/2020.

**6/29/2020** – Dangerous Building hearing approved for 7/13/2020.

**6/30/2020** – Inspector noted work going on without a permit, asked worker to secure structure and vacate property.

**6/30/2020** - Hearing notice posted on building and mailed via certified mail to Owner.

**7/8/2020** – Deputy Assessor, James Haley, deemed building cost to repair to exceed the minimum 50% of the building value.

**7/8/2020** – Inspections received email from Kilbourne Group. (enclosed).

**7/13/2020** – Dangerous Building Hearing.

**7/27/2020** – Anticipated issuance of Findings of Fact.

**8/10/2020** - Deadline to appeal to district court.

**9/10/2020** – 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 21-04, to notify Owner of your determination, and that if an Owner fails to comply with that order for demolition within 10 days, The City Commission can order city staff to take action on demolition and assess costs back to the property.

I suggest you agree with my notice and find this to be a dangerous building, and direct the City Attorney to prepare findings of fact in this matter. I also ask that you direct staff to proceed with all necessary measures to secure 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.

Thank you,

Respectfully submitted,  
Dated this 9<sup>th</sup> day of July, 2020.

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

Bruce Taralson  
Inspections Director





City of Fargo, ND

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:564

7/9/2020 8:52:14 AM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

THE CITY OF  
**Fargo**  
FAR MORE



**From:** Bruce Taralson  
**Sent:** Wednesday, July 08, 2020 9:22 AM  
**To:** Bill Thompson; Gretchen Morlan  
**Subject:** FW: 717 THIRD AVE N

Please check this over and we will discuss. Sorry, I don't have time to look at yet.

Bruce

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**From:** Heather McCord <heather@kilbournegroup.com>  
**Sent:** Tuesday, July 7, 2020 6:56 PM  
**To:** Bruce Taralson <BTaralson@FargoND.gov>; Bill Thompson <wthompson@FargoND.gov>  
**Cc:** Mike Allmendinger <Mike@kilbournegroup.com>; Keith Leier <keith@kilbournegroup.com>  
**Subject:** FW: 717 THIRD AVE N

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Bill and Bruce,

I'm writing to provide an update and explain Kilbourne Group's role in the demolition and construction project at 717 3<sup>rd</sup> Ave N. and what we foresee happening in the next couple of months. As you know, Ron Ramsay is the owner and he has a plan and vision to restore the historic structure to an architectural library and Airbnb as a non-profit. He is now in a position to put his plans into action after acquiring some of the funding needed; enough funding to relocate the structure on a new foundation and secure for future construction. Ron is the sole owner and will be authorizing any work for the project, Kilbourne Group's role will be to facilitate the process by providing project management and construction management for this project. We will also communicate updates to City of Fargo, state entities, and utility companies such as Sparklight, Century Link, and Xcel energy.

Xcel has scheduled overhead power line removal for late August or early September. Until power lines, telco lines, and power poles are removed the structure cannot be lifted and new foundation poured. You can see in the picture below a teetering power pole with a dozen overhead lines within feet of the porch. This is one of two power poles on the property. Ron has arranged for an updated survey and will record updated property parcel lines. We are in the process of developing a construction plan, budget, and schedule for this project. Our primary goal for this summer and fall is to relocate and secure the historic structure on its new foundation and address the City's Conditions Found Statement dated 5/14/20:

- Multiple windows and doors are boarded up
- Pillar on porch has fallen over
- Foundation has loose/missing blocks
- Signs of infestation
- Exterior of house is deteriorated, peeling paint

I will be appearing for Ron at the City Commission meeting July 13<sup>th</sup> but wanted to give you some background, a status update, and forward his authorization approval. Is there anything, beyond what I've described above, that you would like to see presented or discussed at the City Commission meeting?

Thank you,  
Heather



**Heather McCord**  
Project Manager



**From:** R.H.L.M. Ramsay <[plains.architecture@gmail.com](mailto:plains.architecture@gmail.com)>  
**Sent:** Monday, July 6, 2020 6:48 PM  
**To:** Heather McCord <[heather@kilbournegroup.com](mailto:heather@kilbournegroup.com)>  
**Subject:** Re: 717 THIRD AVE N

Yes, I approve. And am grateful for Kilbourne Group's support for the project.

Ron Ramsay

Hi Ron,

I am writing to receive confirmation from you that Kilbourne Group and I are authorized to act on your behalf as the owner regarding the demolition and construction project located at 717 3<sup>rd</sup> Ave N. Please respond to this email with your acknowledgment and permission. We will keep you very well informed of all progress.

The scope of work Kilbourne Group is authorized to provide representations is outlined below.

**Page 12**

1. Complete the demo permit application.
2. Attend the City Commission meeting to answer questions regarding the project.
3. Talk to sub-contractors about planning, construction estimates, contracts and schedules.

Kilbourne Group is not authorized and will not be responsible for any financial obligations for the project. All contracts will be between Ron Ramsay and sub-contractor unless Ron approves Kilbourne Group to represent in writing.

Thank you,

Heather

**Heather McCord**

Project Manager



210 Broadway | Suite 300 | Fargo, ND 58102

[www.kilbournegroup.com](http://www.kilbournegroup.com)

[Facebook](#) | [Twitter](#)

*Vibrant downtowns create smart, healthy cities.*

R.H.L.M. Ramsay, Architectural Historian  
Plains Architecture  
Post Office Box 2235  
Fargo, ND 58108-2235  
U.S.A.

and

R.H.L.M. Ramsay, Associate Professor  
Department of Architecture and Landscape Architecture  
North Dakota State University  
Fargo, ND 58105-6050

701-293-0815



**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: 07/08/2020  
TO: Bruce Taralson, Inspections Administrator  
FROM: James Haley, Deputy Assessor  
SUBJECT: 717 3 Ave N

On July 08, 2020, I viewed the exterior of the subject residential building from the property line. I also viewed photographs of the exterior dated 06/30/2020, 12/16/2019, 05/14/2019 and 05/09/2019.

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 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:** June 30, 2020  
**Location:** 717 3 Avenue North, Fargo, ND 58102  
**Property Owner:** Ronald M. Ramsay  
**Address of Property Owner:** 715 3 Avenue North, Fargo, ND 58103

**Inspector:** Bill Thompson  
**Date of Posting:** June 30, 2020

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

The board of city commissioners shall:

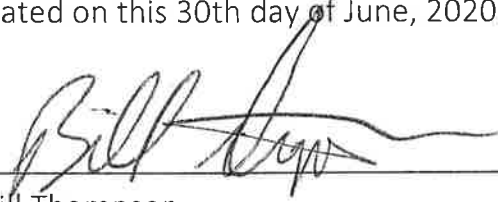
A. Upon receipt of a report of the building inspector as provided for in § 21-0404, subsection (F), give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass to appear 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 717 3 Ave, N., Fargo, ND, has been scheduled for Monday, July 13, 2020 during the City Commission meeting. The meeting will begin at 5:15PM and will be held 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 the 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 please consider wearing a mask to help prevent the spread of Covid-19.

Dated on this 30th day of June, 2020.



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Bill Thompson

Building Inspector



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Christine Rose

Assistant Inspections Director



**AFFIDAVIT OF SERVICE**

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

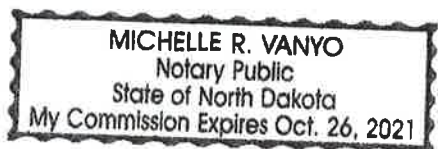
**Re: Posting of Notice of Dangerous Building Hearing – Order to Show Cause  
Regarding 717 3 Avenue North, Fargo, ND 58102**

Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 30th day of June 2020, he posted the attached Notice of Dangerous Building Hearing upon the following address:


717 3 Avenue North  
Fargo, ND 58102

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

Subscribed and sworn to before me this 30th day of June, 2020.



(SEAL)

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



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



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

Date: June 30, 2020  
Location: 717 3 Avenue North, Fargo, ND 58102  
Property Owner: Ronald M. Ramsay  
Address of Property Owner: 715 3 Avenue North, Fargo, ND 58103

Inspector: Bill Thompson  
Date of Posting: June 30, 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 717 3 Ave. N., Fargo, ND, has been scheduled for Monday, July 13, 2020 during the City Commission meeting. The meeting will begin at 5:15PM and will be held in the City Commission Chambers located at 225 4<sup>th</sup> Street N., Fargo, ND 58102.

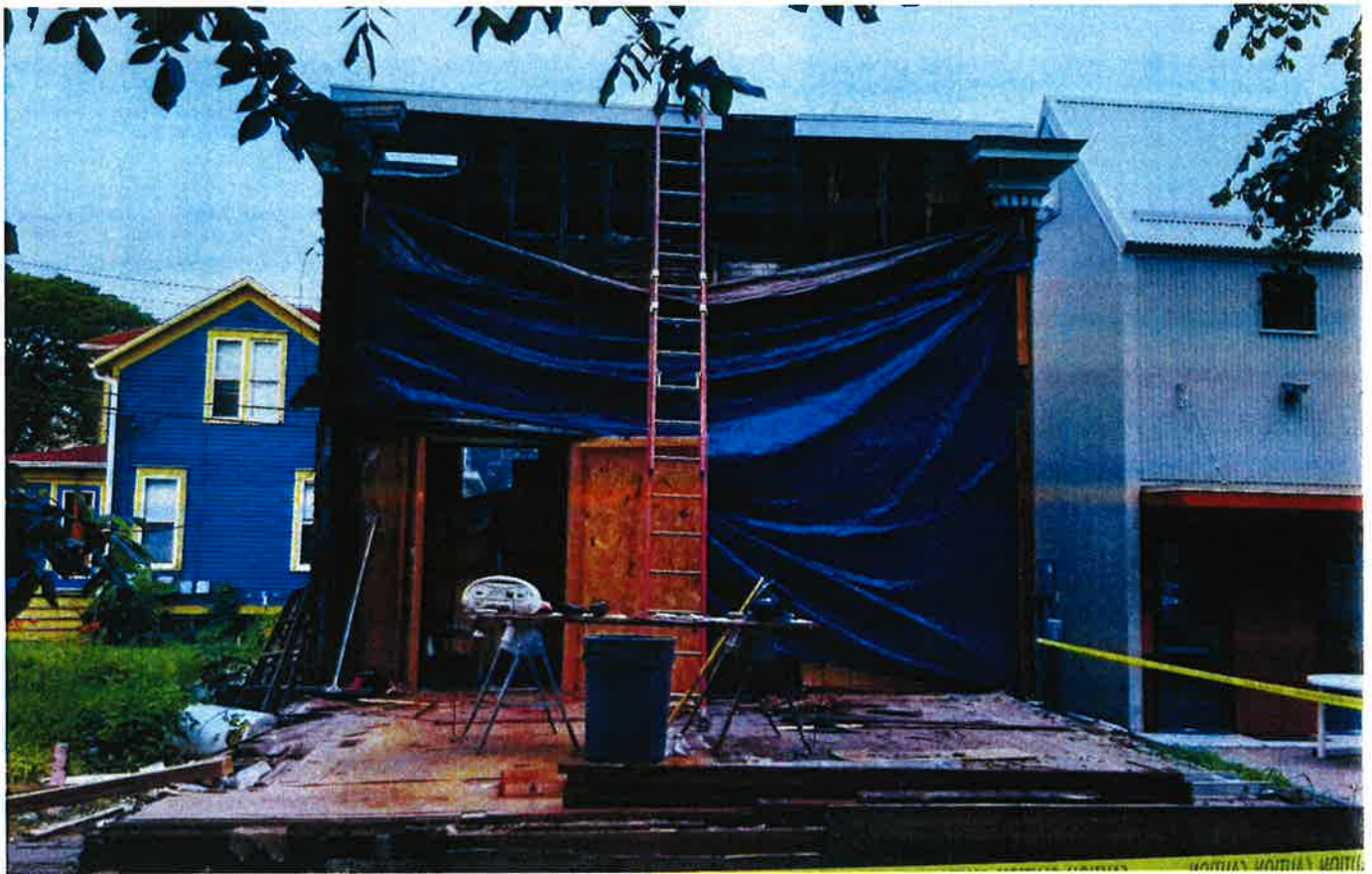
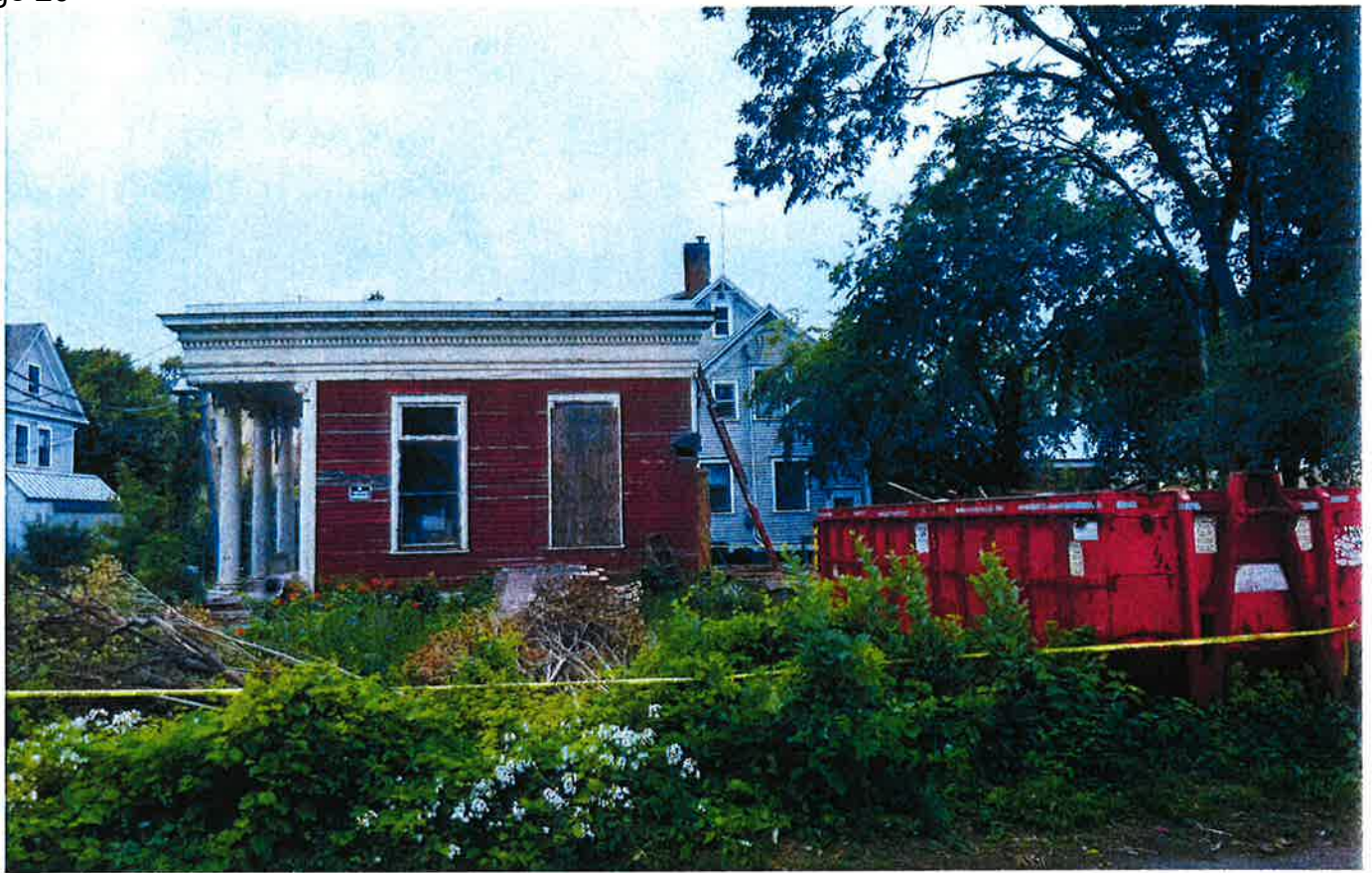
Any interested person or party is encouraged to attend, and any interested party will be given the chance to speak during the meeting. Please be aware that due to the Covid-19 pandemic, there are restrictions to the number of attendees allowed into the meeting space. Please arrive early to ensure a seat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

Dated on this 30th day of June, 2020.

  
Bill Thompson  
Building Inspector

  
Christine Rose  
Assistant Inspections Director





717 3 Avenue N., Fargo, ND 58102 6/30/2020 (Inspector noted demolition work in progress—No permit on file.)







## Fargo Inspections

City of Fargo  
225 Fourth Street North  
701-241-1561  
fax 701-241-1526

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### Memorandum

DATE: 6/25/2020  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Bruce Taralson, Inspections Director   
SUBJECT: Dangerous Building Notice and Order at 717 3 Avenue N., Fargo, ND 58102

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This is to notify you that the property owner of 717 3 Avenue N., Fargo, ND 58102 the property that is subject of the attached Notice, has failed to comply with my order to either obtain a permit to repair or remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-0405, it will now be necessary for you to set a date for a hearing of 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 make a motion, in accordance with FMC Article 21-0405, to set Monday, July 13, 2020 as the time and date for the hearing regarding the dangerous building order for the structure at 717 3 Avenue N., Fargo, ND 58102.**

# Fargo Inspections

City of Fargo  
200 Third Street North  
701-241-1561  
701-476-6779 fax



## NOTICE OF DANGEROUS BUILDING

TO: Ronald L M Ramsay

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 717 3rd Ave N, and is located on that tract of land in the city of Fargo, more particularly described as follows:

Roberts 2<sup>nd</sup> Addition, Block 10, Auditors Subd of lts 10, 11, and 12 Lot E

(hereinafter referred to as "the building")

3. That an inspection was made of the building on 5/09/2019 by Bill Thompson, Building Inspector.
4. That the building inspector for the City of Fargo has found the building, consisting of a single-story, wood-framed structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and 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 (thirty) days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.



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


8. The building is unsafe and constitutes a public nuisance pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and 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, 2015 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 14th day of May 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 14 day of May, 2019.



Bill Thompson  
Building Inspector



Bruce Taralson  
Inspections Administrator



**Conditions Found Statement**

On 5/09/2019 , Building Inspector Bill Thompson, was present at 717 3 Ave N, Fargo, ND to address a Complaint inspection. The following violations were found:

- Multiple windows and doors are boarded up
- Pillar on porch has fallen over
- Foundation has loose/missing blocks
- Signs of infestation
- Exterior of house is deteriorated, peeling paint



Bill Thompson  
Building Inspector  
City of Fargo, ND

5/14/19

Date Signed

## AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

[illegible]

**Re: Notice of Dangerous Building Hearing Request for  
717 3 Avenue No., Fargo, ND 58102  
CM Receipt#: 7018 3090 0000 3038 3878**

Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 25th day of June, 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 Avenue North  
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 25<sup>th</sup> day of June, 2020.



Jim Pagell  
Notary Public  
Cass County, North Dakota

(SEAL)

11 May 2020

Hello, Mr Thompson:

Thanks for your letter of about a week ago. I have intended to reply as soon as there was good news to report.

There hasn't been much progress on the exterior since we thought working from the inside out would prevent a lot of the blown insulation from affecting the neighbor's property. First there have been some kitchen cabinets in very good condition and well worth salvaging for the Re-Store or some other simmlar charity. I've tried to do much of that myself but at my age it was wiser to find assistance, which we have managed to do at last.

Due to the current situation, no one was interested in such a small project. Then my friend Milt Yergens mentioned someone from Grand Forks who has done work for him, Chris Nelson. I believe he will be able to complete the interior part of the job and then move outward. The intent is to remove the rear half of the house and seal the back (north) elevation until it can be moved. To make the property less of an eyesore, Chris will also scrape the current east side of the Little House, replace deteriorated siding and paint it.

With half of the eyesore gone, and no clear picture when I can persuade a house mover to pick the house off its current foundation, rotate it and prepare for new foundations (per the drawings that I left with you and seemed to meet approval). Our friend Mike Almendinger is advising on some of this and has brought a couple of the Kilbourn project managers over to give us some of their perspective. I hope Mike might also be able to recommend a house mover or two.

Rotating the remaining part of the Little House ninety degrees counter-clockwise and shifting it toward the alley (out of the way for construction of the new foundation) now means that I have to transfer some of the property where my house sits to the Little House lot, about a 15x20 piece; my attorney Tim Hill is writing the paperwork which I hope we can file later this week or early next.

Another part of this concewrns the creatoin of a 501(c)(3) non-profit entity so that we can give the Little House to it and thereby become available for grant support and other charitable means to restore the property. Plains Architecture is registered with the state as a charitable foundation with a board of directors (which does not include me) and our accountant Heather Thomson (Accounting Associates & More in South Fargo) is preparing the IRS application, now that her tax season is over. Obtaining that status is important.

The biggest stumbling block for us has been money: I have none that is available under any circumstances until I retire. The state contract with TIAA, the state-contracted retirement program, prohibits me from accessing any of my retirement account until I am no longer a state employee. This is proving to be a double-edge sword because: A) I can retire and gain access but lose our health insurance, or B) we can keep working, retain affordable health care and possibly lose the Little House. The 501(c)(3) mentioned earlier opens the door for someone who has

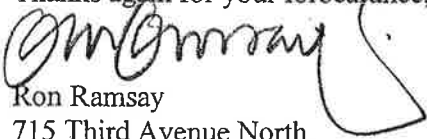
expressed interest in supporting the restoration, but requires non-profit status before that can happen.

Early last week one of my colleagues notified me that the Federal "Stimulus Package" has a provision that give us a third option: I am able to withdraw an amount that will get things moving. I made application and have received as of last Friday \$75,000 which is now on deposit. We also have a no-interest loan of \$25,000 from a friend and I have sold some things to raise an equal amount. The means we now have \$125,000 available to proceed. That will allow the partial demolition and cosmetic repair, the lifting and moving, and possibly laying the new foundation and placing the house on it as soon as contractors can be found.

I have tried your patience for too long, for which I apologize. If putting this on the Commission's agenda for their action is necessary, I'll appear and make my case. [Given that the Commission has recently approved a senior assisted-living housing project at the north end of the alley and that it will be named the "Milton Earl", It's ironic that the source of that name is the man whose architectural office is the building in question.] If the Little House will, indeed, be demolished, I'm committed to rebuilding it in replica as soon as my retirement is in place; my actions have damaged the property and it seems only just that I take responsibility for bringing it back to life.

If demolition is necessary, will I have time to remove some of my research materials that are still in storage there? And also sufficient time to salvage all the interior oak woodwork?

Thanks again for your forbearance,

A handwritten signature in dark ink, appearing to read 'Ron Ramsay', with a large, sweeping flourish extending from the end of the signature.

Ron Ramsay  
715 Third Avenue North  
Fargo, ND 58102-4706

plains.architecture@gmail.com



## **Notice of Expired Deadline**

04/30/2020

Ron Ramsey  
715 3 Ave N  
Fargo, ND 58102

RE: Notice of Dangerous Building (717 3 Ave N)

Ron Ramsey,

This is to remind you of the notice of dangerous building letter for 717 3<sup>rd</sup> Ave N dated 5/14/19. You had a deadline of 30 days to demolish the structure. As per our phone conversations and meeting, you had plans to demolish the north end, move the remaining structure onto a new foundation and complete a full restoration.

Unfortunately, I have noticed no change in the property or evidence you are capable of doing so. I have filed your expired demolition permit incomplete and have started the process of bringing this issue before commission with the intent of demolition.

If you have any questions, please call 241-1561.

Thank You,



Bill Thompson  
Building Inspector

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  X <i>Gov - 1a</i> <i>DW</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>Don Ramsey</i>  <i>715 3 Ave N</i>  <i>YARCO, ND 58102</i></p>		<p>B. Received by (Printed Name) <i>Gov - 1a</i> C. Date of Delivery <i>5/1/2020</i></p>	
<p>2. Article Number (Transfer from service label)</p> <p><i>7018 3090 0000 0803 7239</i></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery (\$500)</p>		<p>Domestic Return Receipt</p>	

9590 9402 5360 9189 6450 97

PS Form 3811, July 2015 PSN 7530-02-000-9053

U.S. Postal Service™  
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**OFFICIAL USE**

4-30-20

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Certified Mail Fee \$

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☐ Return Receipt (hardcopy) \$

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☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To *Don Ramsey*

Street and Apt. No., or PO Box No. *715 3 Ave N*

City, State, ZIP+4® *YARCO ND 58102*

PS Form 3800, April 2015 PSN 7530-02-000-8047 See Reverse for Instructions

27 December 2019

Bill Thompson  
Building Inspections  
City of Fargo  
City Hall  
Fargo, ND

Dear Mr Thompson:

There is not much to show progress at the Beebe architectural office, though I've been cleaning the interior of debris, damaged books and papers, and finding a home for them while the renovation takes place. The cost of rental storage was prohibitive, so I've had to find a cheaper alternative. Since time is running out on the original condemnation (if it hasn't completely already) and likewise for the demolition permit, I have needed to bring you up to date on other things connected to the project.

Money had been an ongoing problem: I neither have what will be required, nor do I fit in the normal mortgage market. I'd be happy to talk with you about that. In the meantime, a friend has lent me \$25K and I have scraped together another \$15K to pay for demolition of the back half of the Little House. The problem there has been finding someone to do that job yet this fall or winter. Everyone I've talked with are either too busy or not interested. I have one or two more calls to make before the end of the year.

The total amount necessary to go ahead could have come from my retirement account, except for one big problem. The state's contract with TIAA (which applies to all state employees across the board) prohibits me from accessing that money so long as I remain a state employee. Frankly retirement just now isn't in the picture, since my husband just had open heart surgery and is in recovery mode. Not having our insurance through Sanford would be prohibitive, I suspect. So for the present, I have about \$40,000 to work with.

Two interesting things have happened which give me a little hope. First, we have made progress on establishing the non-profit corporation to own and operate the Little House as a historic property. And the next phase of that involves an I.R.S. application for 501(c)(3) status. Our attorney is Tim Hill and the accountant who has successfully made other applications is Heather Thompson. Achieving the 501(c)(3) recognition plays into the other part of the good news.

A few weeks ago I had a conversation with someone who represents a local developer (whose name I probably ought not to mention, since their proposal is tentative). They are interested in helping the project with (probably) a combination of cash and/or in-kind services. And also with promoting the project among other contractor-builders. Once the I.R.S. has signed off on our application, the project becomes more than bailing me out of a bad situation. I am trying to not look this gift horse in the mouth.

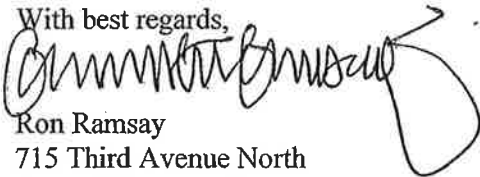
In speaking with the person referenced above, we had a short conversation about the project cost. I mentioned the figure that my architect friend Milton Yergens had suggested. I haven't built

anything large for some time and believed that the city's needs could be addressed for perhaps \$125,000. Milton corrected me and suggested doubling that number, which scared the crap out of me. Then, in this most recent conversation, the number went to something between \$300,000 and \$400,000. For a building with fewer than 800 square feet, I was shocked and dismayed. Five hundred dollars per square foot seems excessive, especially since most of the "fabric" is still there.

On that last point, the problem of accessing my TIAA account, I will retire if it becomes absolutely necessary. But the income is almost as important for us as the insurance coverage.

I have a meeting in a couple weeks with these new "project sponsors" to see what their next step might be. And in that time, we may have some notion of the timeline for I.R.S. processing of the tax-exempt application. If city protocol requires some formal legal action against me, let me at least speak with the people who approached me with the hint of an offer of assistance.

With best regards,

A handwritten signature in black ink, appearing to read "Ron Ramsay", with a large, stylized flourish extending from the end of the signature.

Ron Ramsay  
715 Third Avenue North  
Fargo, ND 58102-4706



## **Expired Permit Notice**

12/24/2019

Ronald Ramsey  
715 3<sup>rd</sup> Ave N  
Fargo, ND 58102

**RE: 717 3<sup>rd</sup> Ave N Building Permit #1907-0098** (Demolish rear portion of existing building)

Ronald Ramsey,

This is to remind you that Article #21-01 of the City of Fargo Municipal Code adopts the International Residential Code as the city code. Section R105.5 of this code states that any permit issued becomes invalid unless the work authorized by the permit is commenced within 180 days after its issuance or if the work authorized by the permit is suspended or abandoned for a period of 180 days after the time the work is commenced. In addition, section R109.3 states that it is the responsibility of the permit holder to notify the building official when work is ready for inspection.

According to our records, one or more required inspections have not been requested. Therefore, we must assume that the work authorized by this permit has not commenced or has been abandoned. **This permit has been voided and filed as though the work was never completed.**

If you have any questions, please call 241-1561.

Thank You,



Bill Thompson  
Building Inspector



717 3 Avenue N., Fargo, ND 58102 12/16/2019 (Demolition permit nearing expiration)



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>	1907-0098-REN
<b>Address:</b>	717 3 Ave N, Fargo, ND 58102		
<b>Parcel Number:</b>	01-2382-01450-000	<b>Date Issued:</b>	7/2/2019
<b>Construction Value:</b>	\$3,000.00	<b>Total Area (ft²):</b>	
<b>Special Flood Hazard:</b>	No	<b>Flood Protection Elevation:</b>	

**Description of Work:**

Demolish rear portion of existing building. Ensure that debris is removed and existing building exterior restored to weather-tightness.

<b>Applicant:</b>	Ronald L M Ramsay	715 3 Ave N, Fargo, ND 58102
<b>Parcel Owner:</b>	Ronald L M Ramsay	715 3 Ave N, Fargo, ND 58102
<b>General Contractor:</b>	Ronald L M Ramsay	715 3 Ave N, Fargo, ND 58102


**Total Fees:** \$44.60

**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 2015 Fargo Building Code.

**Approved By:**

  
Melissa Gaulrapp  
Plan Reviewer I

\*\*\*Note: This permit becomes void if construction is not begun, is suspended or abandoned within 180 days at any time after work is commenced.

### Building Permit Acknowledgments

1. I understand and certify that issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.
2. Through application for and acceptance of this building permit the permit applicant/holder/owner understands and agrees that the City will conduct periodic observations of construction, but that such observation or review of plans and/or construction does not constitute either explicit or implied certification that the plans and/or construction comply with City Codes or any other applicable requirements. The permit applicant/holder/owner at all times remains responsible for ensuring that the construction, plans, and specifications comply with all requirements of all City Codes and other applicable requirements. The City will not provide continuous on-site observation of construction, and disclaims any responsibility for defects in materials or workmanship.
3. The City encourages and recommends the permit applicant/holder/owner hire a private, on-site inspector or other professional as the applicant/holder/owner deems necessary in order to ensure that all aspects of the plans and/or construction comply with applicable codes and all other requirements.

AS PERMIT APPLICANT, I ACKNOWLEDGE THAT I HAVE BEEN MADE AWARE OF THE ABOVE STATEMENTS AND CONDITIONS

APPLICANT SIGNATURE:



DATE:

02 July 2019

**PERMIT IS NOT VALID UNLESS SIGNED.**



**From:** R.H.L.M. Ramsay <plains.architecture@gmail.com>  
**Sent:** Friday, June 21, 2019 4:28 PM  
**To:** Bill Thompson; Milton Yergens  
**Subject:** Re: 717 3rd Ave N

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**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

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PS: I'll add your email, Blake's, and Peter Boyle's as soon as I have them and keep you in the loop.

Ron Ramsay

On Fri, Jun 21, 2019 at 4:26 PM R.H.L.M. Ramsay <plains.architecture@gmail.com> wrote:  
Hello, Mr Thompson:

I'm forwarding this to Milton Yergens and asking that he forward it the Blake Kobiela (whose email I've misplaced). As soon as we receive some sense of Blake's schedule, I'll let you know. With some help, I should be able to empty the house of salvageable stuff in a couple weeks and be ready for demo soon after. If Peter Boyle, the landscape architect, can relocate the lilacs, so much the better. Though perhaps in the interest of time, they may have to be sacrificed.

Regards,

Ron Ramsay

On Fri, Jun 21, 2019 at 8:21 AM Bill Thompson <wthompson@fargond.gov> wrote:

Ron, we need a timeline for demo of the north structure from Blake Kobiela. At our meeting we were thinking 30 days which would put us at July 10, 2019. I can write you or Blake the demo permit today if needed. A future timeline for the move and completion is also necessary. Keep in mind when I say completion all that's necessary is the exterior portion, the interior can take as long as needed if structure is secure. Thanks

**From:** R.H.L.M. Ramsay <plains.architecture@gmail.com>  
**Sent:** Thursday, June 20, 2019 4:22 PM  
**To:** Bill Thompson <wthompson@FargoND.gov>  
**Subject:** Re: 717 3rd Ave N

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**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

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Hello, Mr Thompson/Bill:

The surveyors did their work and I have an attorney doing the legalities to transfer (a QCD?) a couple hundred square feet from my house (Lot F) to the Little House plot (Lot E). Since we own both, I'm proceeding with the demolition and foundation work, as soon as Kobiela Brothers can arrange it.

Xcel is responding to my request to remove the power lines. and Midco will shift the cable line. The storage unit is coming, as is the roll-off. I'm looking for some help to assist with the sorting. As these things fall into place I'll keep you informed.

Somewhere in there the Landscape Architect will remove and relocate the lilacs.

Regards,

Ron Ramsay

On Tue, Jun 11, 2019 at 4:25 PM Bill Thompson <[wthompson@fargond.gov](mailto:wthompson@fargond.gov)> wrote:

Ron, our plan reviewer looked at your site plan, it complies with the necessary lot coverage and setbacks. Thanks

Bill Thompson

Building Inspector

City of Fargo, Inspections

200 North 3rd Street

Fargo, ND 58102

Office: 701-241-1561

Fax: 701-476-6779

[wthompson@cityoffargo.com](mailto:wthompson@cityoffargo.com)



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Page 39

R.H.L.M. Ramsay, Architectural Historian  
Plains Architecture  
Post Office Box 2235  
Fargo, ND 58108-2235  
U.S.A.

and

R.H.L.M. Ramsay, Associate Professor  
Department of Architecture and Landscape Architecture  
North Dakota State University  
Fargo, ND 58105-6050

701-293-0815

--  
R.H.L.M. Ramsay, Architectural Historian  
Plains Architecture  
Post Office Box 2235  
Fargo, ND 58108-2235  
U.S.A.

and

R.H.L.M. Ramsay, Associate Professor  
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and

R.H.L.M. Ramsay, Associate Professor  
Department of Architecture and Landscape Architecture  
North Dakota State University  
Fargo, ND 58105-6050

701-293-0815

# Fargo Inspections

City of Fargo  
200 Third Street North  
701-241-1561  
701-476-6779 fax



## NOTICE OF DANGEROUS BUILDING

TO: Ronald L M Ramsay

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 717 3rd Ave N, and is located on that tract of land in the city of Fargo, more particularly described as follows:

Roberts 2<sup>nd</sup> Addition, Block 10, Auditors Subd of Its 10, 11, and 12 Lot E

(hereinafter referred to as "the building")

3. That an inspection was made of the building on 5/09/2019 by Bill Thompson, Building Inspector.
4. That the building inspector for the City of Fargo has found the building, consisting of a single-story, wood-framed structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and 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 (thirty) days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.



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

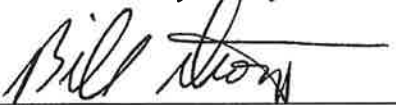
8. The building is unsafe and constitutes a public nuisance pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and Section 116 of the International Building Code as adopted by Article 21-0101 of the Fargo Municipal Code.

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.

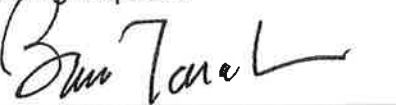
10. Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 108.2 of the International Property Maintenance Code, 2015 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 14th day of May 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 14 day of May, 2019.



Bill Thompson  
Building Inspector




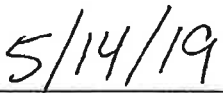
Bruce Taralson  
Inspections Administrator

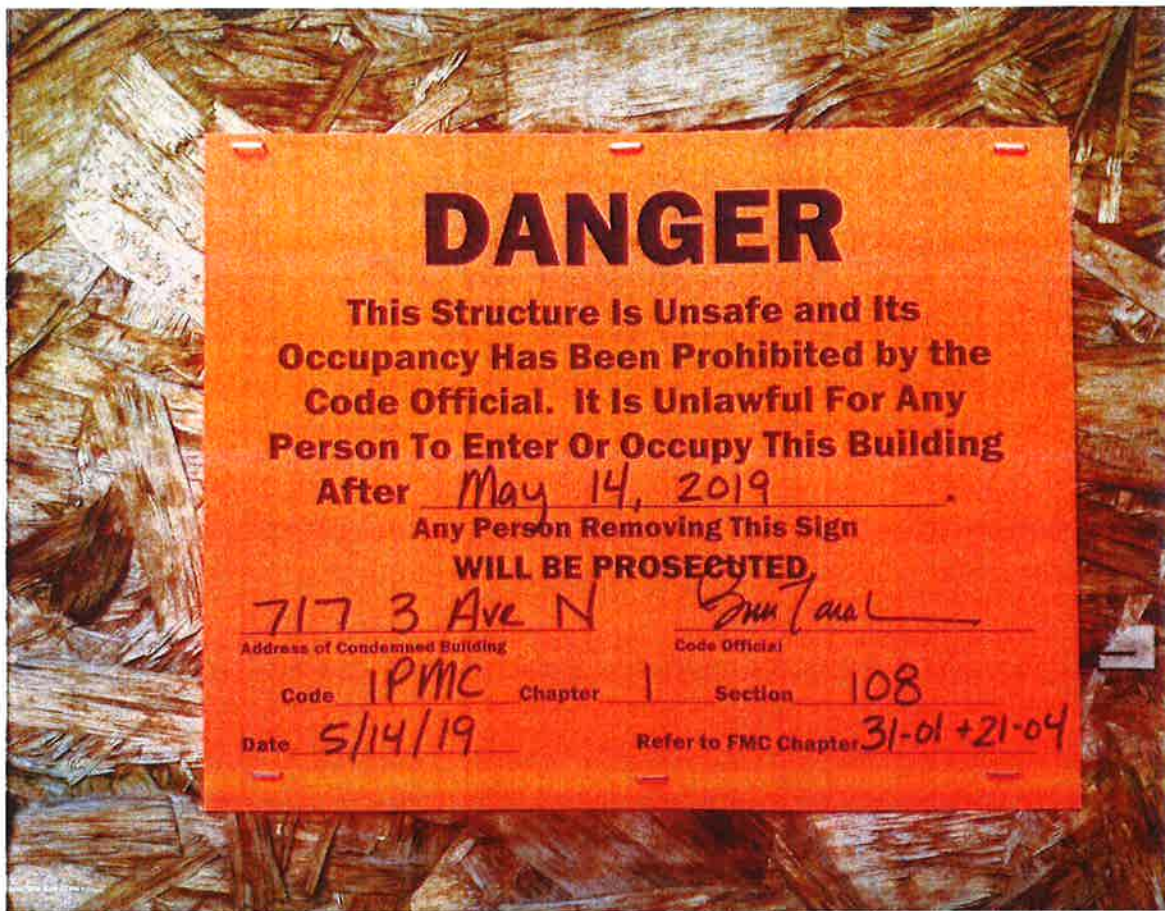
**Conditions Found Statement**

On 5/09/2019 , Building Inspector Bill Thompson, was present at 717 3 Ave N, Fargo, ND to address a Complaint inspection. The following violations were found:

- Multiple windows and doors are boarded up
- Pillar on porch has fallen over
- Foundation has loose/missing blocks
- Signs of infestation
- Exterior of house is deteriorated, peeling paint

  
\_\_\_\_\_  
Bill Thompson  
Building Inspector  
City of Fargo, ND

  
\_\_\_\_\_  
Date Signed



717 3 Avenue N., Fargo, ND 58102 5/14/2019 (Date of Placard)

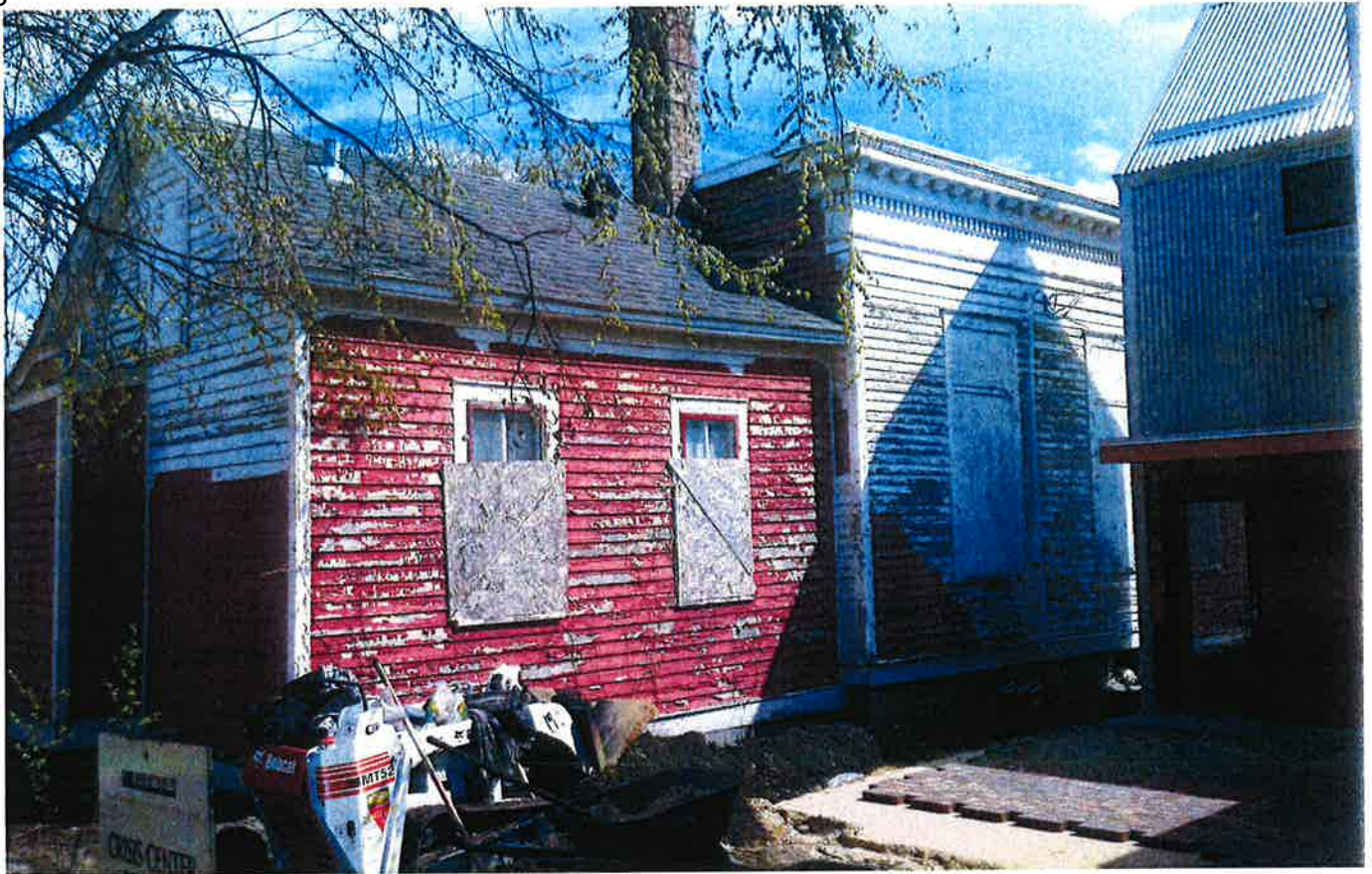














**COMPLAINT RECORD & RESPONSE**

Date: 5/1/19 Call Taken By: Email  
 Address: 717 3 Ave N  
 Property Owner: Ronald Ramsey  
 Nature of Violation: Dangerous Building

Complainant Name/Phone (if return call): Arlette  
(701) 261-0498  
 Rental Property? Yes / No / Unknown  
 Complaint Assigned to: Bill T / John A / Other:

Observations:  
5-10-19 - Took Complaint photos.  
Pillar is tipped over, multiple  
doors + windows are boarded up,  
exterior is in poor shape, foundation  
has loose bricks and openings. Saw  
rabbit exit property

Action Taken: Letter Sent \_\_\_\_\_ / Phone Call / No Act  
 Unfounded / Ticketed / Set up in AI \_\_\_\_\_  
 Referred to \_\_\_\_\_

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<b>City of Fargo Staff Report</b>			
<b>Title</b>	Craigs Oak Grove 2 <sup>nd</sup> Addition	<b>Date:</b> <b>Update:</b> <b>Update:</b>	8/28/2019 5/28/2020 7/8/2020
<b>Location:</b>	505, 509, and 515 Oak Street and 2, 6, and 10 6th Avenue North	<b>Staff Contact:</b>	Aaron Nelson
<b>Legal Description:</b>	Lot 1, Block 1, Craigs Oak Grove Addition, vacated portion of Elm Street, vacated portion of 5 <sup>th</sup> Ave N, vacated alley, and a portion of Lots 5, 6, and 7, Block 28, Keeney and Devitts 2 <sup>nd</sup> Addition		
<b>Owner(s)/Applicant:</b>	LHS Investments, LLC/Jesse Craig & Enclave Development	<b>Engineer:</b>	KLJ
<b>Entitlements Requested</b>	<b>Minor Subdivision</b> (A replat of Lot 1, Block 1, Craigs Oak Grove Addition, vacated portion of Elm Street, vacated portion of 5 <sup>th</sup> Ave N, vacated alley, and a portion of Lots 5, 6, and 7, Block 28, Keeney and Devitts 2 <sup>nd</sup> Addition) & <b>Zoning Map Amendment</b> (from DMU, Downtown Mixed-Use, and MR-2, Multi-Dwelling Residential, with PUD, Planned Unit Development, overlay to DMU, Downtown Mixed-Use, and MR-2, Multi-Dwelling Residential, and to repeal the existing PUD, Planned Unit Development, overlay)		
<b>Status:</b>	City Commission Public Hearing: July 13, 2020		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Household Living (Multi-Dwelling & Detached Housing) & vacant.	<b>Land Use:</b> Household Living (Attached & Multi-Dwelling Housing)
<b>Zoning:</b> MR-2, Multi-Dwelling Residential, DMU, Downtown Mixed-Use, and PUD, Planned Unit Development Overlay.	<b>Zoning:</b> MR-2, Multi-Dwelling Residential, and DMU, Downtown Mixed-Use
<b>Uses Allowed:</b> MR-2 allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities  DMU allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.	<b>Uses Allowed:</b> No Change
<b>Maximum Density Allowed:</b> MR-2 allows a maximum of 20 dwelling units per acre, DMU has no limit	<b>Maximum Density Allowed:</b> No Change

<b>Proposal:</b>
The applicant is seeking approval of a minor subdivision and zoning map amendment to accommodate a proposed residential development. The minor subdivision, entitled <i>Craigs Oak Grove 2<sup>nd</sup> Addition</i> , would replat the subject property into two lots. The proposed zoning map amendment would rezone a portion of Lot 2 from MR-2 (Multi-Dwelling Residential) to DMU (Downtown Mixed-Use) and would extinguish an existing PUD (Planned Unit Development) overlay zoning district that currently encompasses the northwest portion of the subject property. The result of these two requests would be for the proposed Lot 1 to be located within the MR-2 zoning district and for Lot 2 to be located within the DMU zoning district. The applicant is proposing to construct townhomes on Lot 1 and a multi-dwelling apartment/condominium building on Lot 2



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.

**Surrounding Land Uses and Zoning Districts:**

- North: Across 6<sup>th</sup> Ave N are single-family, duplex, and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and LC, Limited Commercial;
- East: is a park zoned AG, Agricultural;
- South: is a BNSF railroad zoned DMU, Downtown Mixed-Use
- West: are single-dwelling and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and GC, General Commercial

**Area Plans:**

No area plans apply

**Schools and Parks:**

**Schools:** The subject property is located within the Fargo School District, specifically the Roosevelt/Horace Mann Elementary, Ben Franklin Middle and Fargo North High school attendance areas.

**Neighborhood:** The subject property is located in the Horace Mann neighborhood.

**Parks:** The subject property is located west of Wildflower Grove Park, which provides public amenities such as picnic tables and recreational trails.

**Pedestrian / Bicycle:** There is an existing off road bike facility to the east of the subject property on 6<sup>th</sup> Ave N which connects to the metro area trail system.

**Staff Analysis:**

**Background**

The applicant is proposing this subdivision and zone change in preparation for the redevelopment of the subject property. The applicant has stated that his intent is to construct residential housing that would consist of both townhomes (on Lot 1) and a multi-dwelling residential building consisting of apartment and condominium units (on Lot 2).

The applicant previously platted a majority of the subject property as Craigs Oak Grove Addition, which was approved in January of 2019. That previous subdivision included vacation and dedication of right-of-way, as well as provisions for permanent flood protection, in preparation for future development. Since then, the applicant has acquired additional property along 6<sup>th</sup> Avenue North, which is included in the proposed Craigs Oak Grove 2<sup>nd</sup> Addition subdivision.

**Public Comment**

The applicant has worked over the past couple of years to acquire the parcels included within the subject property. Over this time, and as his development concept has evolved, the applicant has shared these concepts with interested groups. The applicant has discussed his proposed project at:

- a Fargo Neighborhood Coalition meeting in the summer of 2017,
- an informational meeting he held for neighboring residents in September of 2017,
- a Horace Mann Area Neighborhood Association meeting in February of 2019,
- a neighborhood open house he hosted in March of 2019,
- a neighborhood open house on August 27, 2019, and
- a virtual neighborhood open house on May 27, 2020.

The August 27, 2019 open house was attended by 10 neighborhood residents and representatives of the Horace Mann Area Neighborhood Association. There were many questions regarding all aspects of the proposed development as well as the proposed zoning change and subdivision. Most of the concerns raised at the open

house seemed to focus on vehicular parking and circulation throughout the area of the subject property, the aesthetics of the townhomes and apartment building that the applicant intends to construct, and the condition of public infrastructure in this area.

Three neighborhood residents attended the digital open house on May 27, 2020. Discussion and concerns raised were mostly related to building height and visual aesthetic of the proposed multi-dwelling building adjacent to park land.

In addition to comments heard at the open houses noted above, to date, staff has received a few emails regarding this application from neighboring residents/property owners. Copies of these comments are attached. Last year, staff received a letter from another neighboring resident regarding the applicant's previous application for major subdivision—Craigs Oak Grove (1<sup>st</sup>) Addition, which is also attached for historical reference since many of the concerns noted in the letter are still applicable to the current application.

Public notification letters were mailed out to owners of property within 300 feet of the subject property, in accordance with Section 20-0901.F of the Land Development Code.

#### **Subdivision**

The LDC stipulates that the following criteria be met before a major 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 location of the subject property is not included within an area plan. While there is no growth plan associated with this location within the City, the proposed development is consistent and compatible with the Go2030 Comprehensive Plan. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already developed, serviced with utilities, and protected by a flood resiliency strategy. The promotion of infill development is the number two ranked priority of Go2030.

The subdivision would replat the property into two lots to be used for residential development. The subject property is located within the DMU (Downtown Mixed-Use) and MR-2 (Multi-Dwelling Residential) zoning districts. The DMU and MR-2 zoning districts both permit household-living by-right (including attached houses and multi-dwelling structures). Additionally, the proposed zone change is intended to align these two existing zoning district boundaries with the proposed lot lines for Lots 1 and 2, in order to accommodate the proposed development.

The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. These departments have found that the plat meets the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(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. Additionally, an amenities plan and developer agreement were established with the applicant's previous subdivision of Craigs Oak Grove (1<sup>st</sup>) Addition, to formally document the details of the public improvements necessary to support the development of the subject property, including flood protection. **(Criteria Satisfied)**

### Zoning

The subject property is partially located within both the DMU and MR-2 zoning districts. Although the DMU and MR-2 zoning districts both permit multi-dwelling and attached housing by-right, a zoning map amendment is proposed in order to align the boundaries of these zoning districts with the proposed Lots 1 and 2, which would accommodate the layout of the applicant's proposed development. Additionally, the DMU zoning district would allow a higher density of residential units. The image to the right illustrates the area of Lot 2 to be rezoned from MR-2 to DMU (hatched area outlined in yellow).

Additionally, the northwest portion of the subject property is located within an existing PUD (Planned Unit Development) overlay zoning district. This PUD zoning district was approved in 2016 via Ordinance No. 5047 for a townhome project that was never constructed. The proposed zoning change would also extinguish and remove this PUD overlay since it is no longer applicable to the proposed development.



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

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

Staff is unaware of any zoning map error in regard to the subject property. Staff finds that the requested zone change is justified by a change in conditions at this location since the previous zoning classification was established. The existing zoning districts were established at a time when there were multiple properties along Oak Street N and 6<sup>th</sup> Avenue N on either side of an alley running through this block. The centerline of the public alley and the centerline of 5<sup>th</sup> Avenue N was the primary boundary between the MR-2 and DMU zoning districts. Since then, the applicant has acquired and consolidated these properties and has vacated the public right-of-way that once divided the subject property. The zone change is requested in order to realign the boundary between the MR-2 and DMU zoning districts along the shared lot line of Lot 1 and Lot 2 of the proposed subdivision, which aligns with the applicants proposed development plans.

**(Criteria Satisfied)**

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

The development is served with city services (water, sewer, streets, police/fire protection, etc.). The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. Additionally, the City Forrester has provided comments to the applicant regarding the protection of mature street trees along 6<sup>th</sup> Avenue N and Oak Street N, which must be accounted for as development plans are developed.

**(Criteria Satisfied)**

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

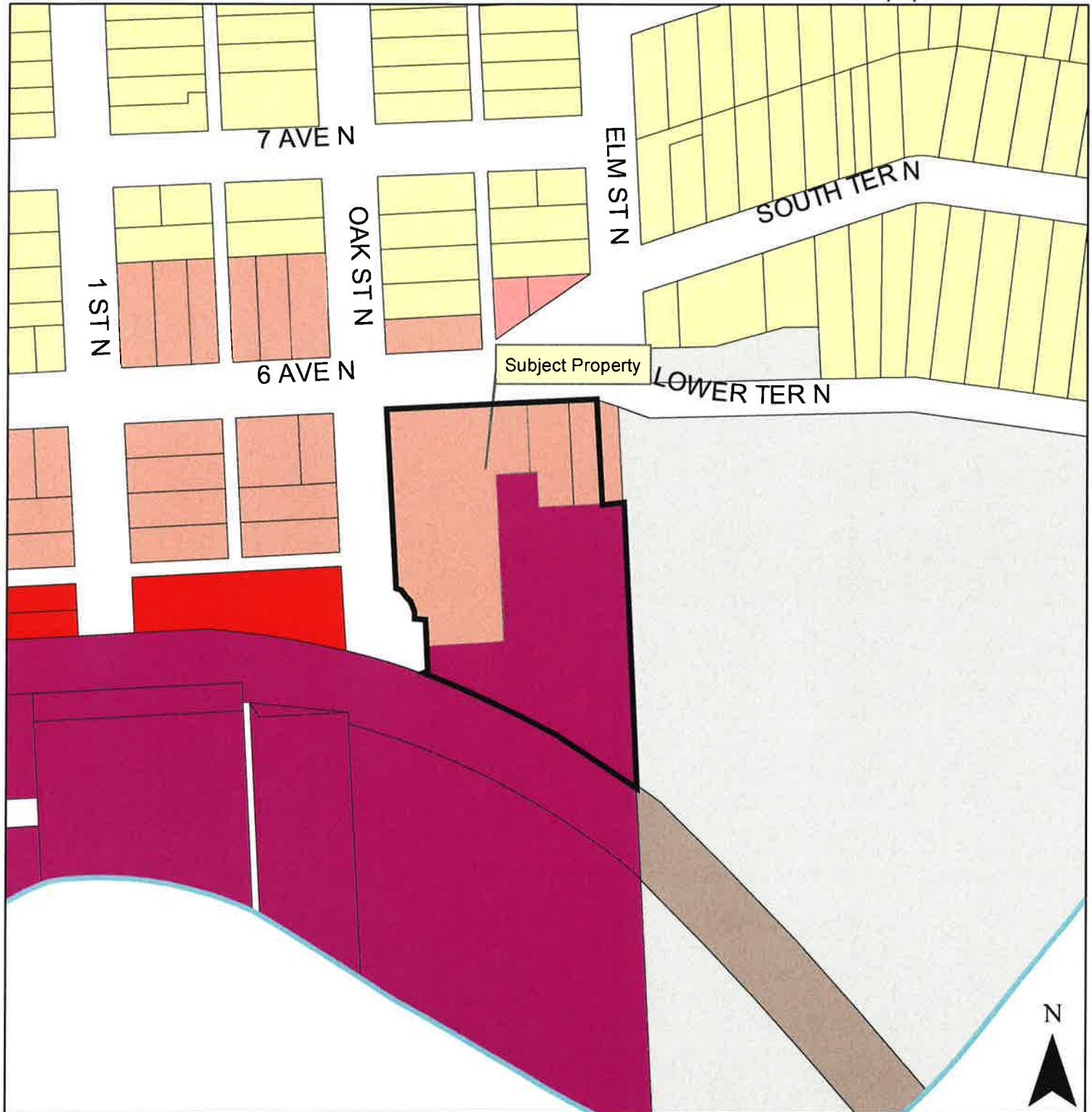
Staff has no evidence that would suggest this proposal would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has received and heard several comments, which have been summarized above. While some residents are opposed to the applicant's proposed project, staff finds that the change in zoning is relatively minor compared to the current zoning of MR-2 and DMU, and does not substantially change the type of development that can take place on the subject property under the current zoning.

<p>Additionally, the applicant is proposing to make a substantial investment in new housing within the vicinity, replacing housing units in need of repair with newly constructed housing units. Ultimately, staff has no evidence to suggest the zoning change would result in adverse effects on condition or value of property in the vicinity. <b>(Criteria Satisfied)</b></p> <p><b>4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?</b></p> <p>The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is in keeping with adopted plans and the existing zoning of adjacent properties. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already developed, serviced with utilities, and protected by a flood resiliency strategy. The promotion of infill development is the number two ranked priority of Go2030. Additionally, the subject property is within walking distance of the downtown core, which provides an opportunity for residents to live in close proximity to shopping and work. Staff finds that the proposal is consistent with the purposes of the LDC, the Growth Plan, and other adopted policies of the City. <b>(Criteria Satisfied)</b></p>
<p><b>Staff Recommendation:</b></p>
<p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and waive the requirements to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and to hereby approve the proposed 1) Craigs Oak Grove 2<sup>nd</sup> Addition subdivision and 2) zoning map amendment from DMU, Downtown Mixed-Use, and MR-2, Multi-Dwelling Residential, with PUD, Planned Unit Development, overlay to DMU, Downtown Mixed-Use, and MR-2, Multi-Dwelling Residential, and to repeal the existing PUD, Planned Unit Development, overlay, as presented, as the proposal satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06 and Section 20-0906(F) (1-4) of the LDC, and all other applicable requirements of the LDC."</p>
<p><b>Planning Commission Recommendation: June 2, 2020</b></p>
<p>On June 2, 2020, with a vote of 7-0 with 3 commissioners absent, the Planning Commission recommended approval to the City Commission of the proposed 1) Craigs Oak Grove 2<sup>nd</sup> Addition subdivision and 2) zoning map amendment from DMU, Downtown Mixed-Use, and MR-2, Multi-Dwelling Residential, with PUD, Planned Unit Development, overlay to DMU, Downtown Mixed-Use, and MR-2, Multi-Dwelling Residential, and to repeal the existing PUD, Planned Unit Development, overlay, as presented, as the proposal satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06 and Section 20-0906(F) (1-4) of the LDC, and all other applicable requirements of the LDC.</p>
<p><b>Attachments:</b></p>
<ol style="list-style-type: none"> <li>1. Zoning Map</li> <li>2. Location Map</li> <li>3. Preliminary Plat</li> <li>4. Public Comments</li> </ol>

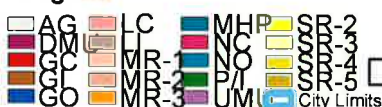
# Zone Change (MR-2 & DMU with PUD to MR-2 & DMU) Plat (Minor)

## Craig's Oak Grove Second Addition

505, 509, & 515 Oak St N  
2, 6, & 10 6th Ave N



### Legend



300

Feet

Fargo Planning Commission

June 2, 2020



Page 1

# Zone Change (MR-2 & DMU with PUD to MR-2 & DMU) Plat (Minor)

## Craig's Oak Grove Second Addition

505, 509, & 515 Oak St N  
2, 6, & 10 6th Ave N



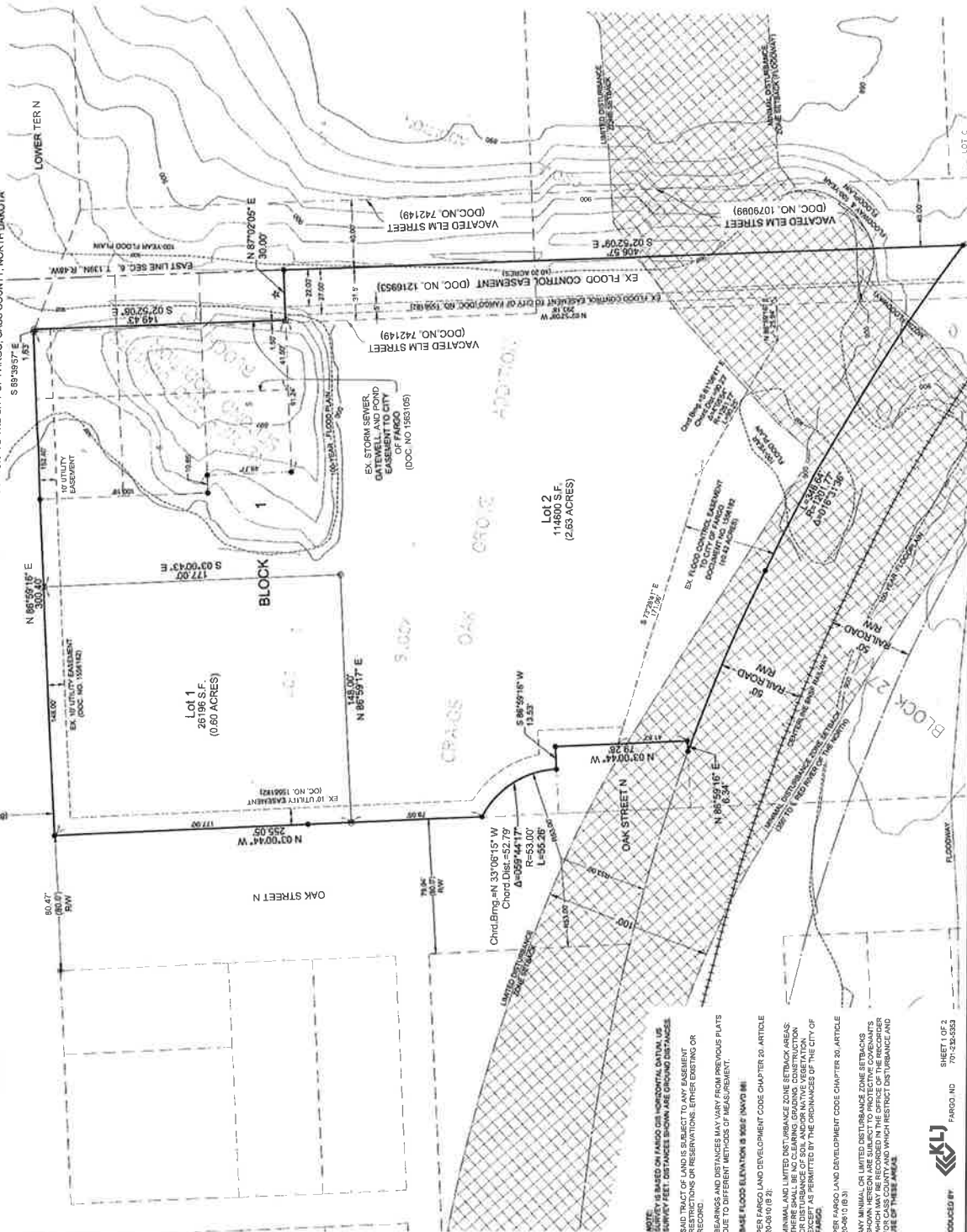
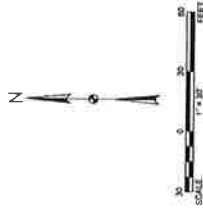


# A MINOR SUBDIVISION PLAT OF CRAIGS OAK GROVE SECOND ADDITION TO THE CITY OF FARGO

A REPLAT OF LOT 1, BLOCK 1, CRAIGS OAK GROVE ADDITION, VACATED PORTION OF ELM STREET, AND A PORTION OF LOTS 5, 6 AND 7, BLOCK 28, KEENEY AND DEVITT'S SECOND ADDITION, TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

6TH AVE N

- LEGEND**
- REBAR AND CAP FOUND
  - REBAR FOUND
  - 5/8" REBAR AND 12" ASP. CAP SET
  - NEW EASEMENT LINE
  - EXISTING EASEMENT LINE
  - RAILROAD CENTERLINE
  - PROPERTY BOUNDARY
  - LOT LINE
  - LOT FLOOD PLAIN LINE
  - FEMA SPECIAL FLOOD HAZARD PLAIN AREA
  - LIMITED DISTURBANCE ZONE SETBACK (LOD) AREA
  - PROJECT BENCHMARK - TOP SET CONCRETE STORM SEWER VALVE W/UTILITY (ELEV. 1017.10)
  - RECORD DISTANCE
  - MEASURED DISTANCE
  - MEASURED BEARING



**NOTE:** THIS PLAT IS BASED ON FARGO GIS INFORMATION, SATURN, 10 SURVEY FEET. DISTANCES SHOWN ARE AROUND DISTANCES. SAID TRACT OF LAND IS SUBJECT TO ANY EASEMENT, RESTRICTIONS OR RESERVATIONS, EITHER EXISTING OR RECORD.

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT.

**BASE FLOOD ELEVATION IS 1065' (NAD83) 8H.**

PER FARGO LAND DEVELOPMENT CODES CHAPTER 20, ARTICLE 20.010 (B 2):

MINIMAL AND LIMITED DISTURBANCE ZONE SETBACK AREAS SHALL BE MAINTAINED AND NOT BE REMOVED OR MODIFIED OR DISTURBED OF SOA AND/OR NATURAL VEGETATION EXCEPT AS PERMITTED BY THE ORDINANCES OF THE CITY OF FARGO.

PER FARGO LAND DEVELOPMENT CODES CHAPTER 20, ARTICLE 20.010 (B 3):

ANY AND ALL LIMITED DISTURBANCE ZONE SETBACK AREAS SHOWN HEREON ARE SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, CASS COUNTY, NORTH DAKOTA, AND WHICH RESTRICT THE USE OF THESE AREAS.

PRODUCED BY **KUJ**

SHEET 1 OF 2  
FARGO, ND  
10-12-2023

A MINOR SUBDIVISION PLAT OF  
CRAIGS OAK GROVE SECOND ADDITION TO THE CITY OF FARGO  
A REPLAT OF LOT 1, BLOCK 1, CRAIGS OAK GROVE ADDITION, VACATED PORTION OF ELM STREET, AND A PORTION OF LOTS 5, 6 AND 7, BLOCK 28, KEENEY AND  
DEVITT'S SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

CHANGERS DESCRIPTION, ACCEPTANCE AND DEDICATION

THE UNDERSIGNED, OWNER, LHS INVESTMENTS, LLC, HAS BEEN THE OWNER OF THE LAND DESCRIBED IN THE PLAT OF "CRAIGS OAK GROVE SECOND ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 1, BLOCK 1, CRAIGS OAK GROVE ADDITION, VACATED PORTION OF ELM STREET, AND A PORTION OF LOTS 5, 6 AND 7, BLOCK 28, KEENEY AND DEVITT'S SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, THAT WE HAVE CHANGED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT. WE HEREBY DEDICATE UTILITY EASEMENTS TO THE USE OF THE PUBLIC AS SHOWN ON SAID PLAT. SAID PLAT CONTAINS 3.22 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

OWNER: LHS INVESTMENTS, LLC  
JESSE CRAIG PARTNER

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )  
ON THIS 2<sup>nd</sup> DAY OF JUNE 2020, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR CASS COUNTY AND STATE, PERSONALLY  
APPEARED JESSE CRAIG, PARTNER OF LHS INVESTMENTS, LLC, WHOSE NAME  
AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

MORTGAGEE: GREAT WESTERN BANK  
BRIAN WESINGER GROUP PRESIDENT

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )  
ON THIS 2<sup>nd</sup> DAY OF JUNE 2020, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR CASS COUNTY AND STATE, PERSONALLY  
APPEARED BRIAN WESINGER, PRESIDENT OF GREAT WESTERN BANK, WHOSE NAME  
AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

SURVEYORS CERTIFICATE AND ACKNOWLEDGEMENT

I, LARRY A. OLSON, PROFESSIONAL LAND SURVEYOR, HAVE SURVEYED THE PLAT OF "CRAIGS OAK GROVE SECOND ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 1, BLOCK 1, CRAIGS OAK GROVE ADDITION, VACATED PORTION OF ELM STREET, AND A PORTION OF LOTS 5, 6 AND 7, BLOCK 28, KEENEY AND DEVITT'S SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, THAT WE HAVE CHANGED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT. I HAVE BEEN DULY SWORN TO THE ACCURACY OF SAID SURVEY AND I HEREBY DEDICATE UTILITY EASEMENTS TO THE USE OF THE PUBLIC AS SHOWN ON SAID PLAT. I HAVE BEEN DULY SWORN TO THE ACCURACY OF SAID SURVEY AND I HEREBY DEDICATE UTILITY EASEMENTS TO THE USE OF THE PUBLIC AS SHOWN ON SAID PLAT.

DATE: 06/02/2020  
LARRY A. OLSON  
PROFESSIONAL LAND SURVEYOR  
NORTH DAKOTA LICENSE # 15481

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )  
ON THIS 5<sup>th</sup> DAY OF JUNE 2020, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR CASS COUNTY AND STATE, PERSONALLY  
APPEARED LARRY A. OLSON, PROFESSIONAL LAND SURVEYOR, WHOSE NAME  
AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC  
Kelly J. Kueing



CITY OF FARGO PLANNING COMMISSION APPROVAL  
APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ 20\_\_\_\_  
JIMMY GUNDEL, CHAIR  
FARGO PLANNING COMMISSION  
STATE OF NORTH DAKOTA )  
COUNTY OF CASS )  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR CASS COUNTY AND STATE, PERSONALLY  
APPEARED JIMMY GUNDEL, CHAIR OF FARGO PLANNING COMMISSION, WHOSE NAME  
AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

CITY OF FARGO ENGINEERING DEPARTMENT  
APPROVAL

APPROVED BY CITY ENGINEER THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 20\_\_\_\_

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR CASS COUNTY AND STATE, PERSONALLY  
APPEARED \_\_\_\_\_, CITY ENGINEER, WHOSE NAME  
AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

CITY OF FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR CASS COUNTY AND STATE, PERSONALLY  
APPEARED \_\_\_\_\_, CITY COMMISSIONER, WHOSE NAME  
AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

## Aaron Nelson

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**From:** Robert Ryan  
**Sent:** Tuesday, May 26, 2020 12:41 PM  
**To:** Aaron Nelson  
**Subject:** FW:  
**Attachments:** 20200526\_063349.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Aaron,

This email is a protest against the planned development at Oak St. and 6 Ave. by Craig Development. I inspected other buildings of the size proposed, and there does not appear to be enough room for townhomes and an apartment building with enough surface parking spaces. I would like to know dimensions of the lot, apartment building, parking lot and townhomes, and maybe there is room. Also, if enough neighbors protest, will the rezoning pass?

I attached a picture of the lot showing the garbage left from Craig dumping snow, I hope this will be cleaned up.

Thank you, Bob

**From:** Robert Ryan <RRyan@FargoND.gov>  
**Sent:** Tuesday, May 26, 2020 12:16 PM  
**To:** Robert Ryan <RRyan@FargoND.gov>  
**Subject:**

Sent from my Verizon. Samsung Galaxy smartphone





## Aaron Nelson

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**From:** Pearson, Carol <carol.pearson@ndus.edu>  
**Sent:** Tuesday, August 27, 2019 3:23 PM  
**To:** Aaron Nelson  
**Subject:** Fw: Craigs Oak Grove Addition

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Pearson, Carol <carol.pearson@ndus.edu>  
**Sent:** Tuesday, August 27, 2019 3:21 PM  
**To:** anelsson@fargond.gov <anelsson@fargond.gov>  
**Subject:** Fw: Craigs Oak Grove Addition

Hi Aaron!

I am sending again my letter as of Feb. 28, 2019, regarding the Craig addition. I wanted to be sure it was recorded as part of public input. The updated report (updated Jan 10 2019) mentions only one letter from a neighbor as well as calls, etc. So I wanted to be sure that my letter from Feb. is acknowledged as part of public input.

Thanks! Carol

---

**From:** Pearson, Carol  
**Sent:** Thursday, February 28, 2019 6:06 PM  
**To:** Aaron Nelson <ANelson@fargond.gov>  
**Cc:** Pearson, Carol <carol.pearson@ndus.edu>  
**Subject:** Re: Craigs Oak Grove Addition

Hi Aaron!

I will be on a plane in a few minutes and thus will be unable to attend tonight's meeting. Below, I list some of my concerns about the Craig development:

I am writing as a neighbor in the Oak Grove neighborhood. I have many concerns about the Craig development.

My issues have to do with the potential development as it has evolved in the last several years, all related to, or under the auspices of, Jesse Craig development entities.

Members of our neighborhood have repeatedly expressed concerns about this development: letters, petitions and people speaking out at planning and commission meetings have all evidenced the strength of the feelings in the neighborhood.

As the Horace Mann Neighborhood Association has articulated:

*There are few other neighborhoods in Fargo Moorhead that have such a tight-knit small-town feel. Tree-lined streets, parks and playgrounds and wonderful gardens entice walkers and bikers of all ages. Accessible downtown local businesses, architectural details on the fine historic homes and friendly neighbors are all a part of this strong neighborhood.*

We want dialog with City of Fargo departments, nearby businesses and institutions, Fargo Police, and the media — in addition to dialog with any developers considering building in our area. This meeting tonight (28 February) represents a coming together of the developer with Horace Mann Neighborhood Association. I'm not yet sure it represents a dialog.

Our neighborhood residents enjoy the diversity of the population that calls this neighborhood home. Seniors and students, families with and without children — appreciation for all walks of life is the backbone to the vibrancy found here. Equally diverse are the homes, ranging from grand and historic to small and quaint. Most of the homes were built between 1890 and 1950. Many properties have benefitted from thoughtful renovations and restorations. Lower-priced, fixer-upper homes with rich details and solid 'bones' can also be found among some of the most reasonably priced single family homes in FM.

Our Oak Grove neighborhood has received designation as a National Historic Neighborhood. Any future development should take this status into consideration. We want to strengthen our strong neighborhood, as it is a unique treasure in FM.

Several points specific to this development:

—Many of the homes included in this plat are among the most historic in Fargo, dating from the 1890s. Renovations that would keep these homes viable and beautiful, instead of being razed, would better contribute to the tenor of our neighborhood. As Jim Laschkewitsch, et al, stated in a recent letter (22 February) to the Forum: "Approving demolition of single-family homes to be replaced by large-scale, high-density developments is not a sustainable, long-term solution for core neighborhoods."

—The development is at the choke point of traffic circulation in our neighborhood.

—Zoning changes represented by PUDs seem to be too easily obtained. Again quoting Laschkewitsch et al: "Skirting the enforcement of residential protection standards by the overapplication of PUDs is problematic and short-sighted".

—If multi-story, high density apartment buildings are raised on the ridge exactly adjacent to the west border of Wildflower Grove park, I feel the beauty and wild feel of the park would be heavily affected by the presence of these apartments looming above the ridge line.

As Paul Seminary stated in a previous letter to planning: "We understand and believe in city growth. But we want to emphasize that the growth should follow the design of the neighborhood....Our concern is for our neighborhood and those that live here. Can you show me how the Oak Grove project enhances this neighborhood? I am not aware of any [benefits]. I can only see that there are 2 entities that will profit from this project and it is not the people in this neighborhood."

I believe, with the Laschkewitsch et al statement in the Forum article, “a pause in zoning modifications from further high-density projects is necessary in core neighborhoods until the city completes its 2019 core neighborhood plan.”

I maintain that supporting and encouraging the unique and vital character of the Oak Grove neighborhood will lead to a better and stronger Fargo-Moorhead community.

Carol Pearson

On Feb 26, 2019, at 3:24 PM, Aaron Nelson <[ANelson@fargond.gov](mailto:ANelson@fargond.gov)> wrote:

All,

As some of you know (or as all of you may know), Jesse Craig will be discussing his preliminary development concept for the recently platted *Craigs Oak Grove Addition* with the Horace Mann Area Neighborhood Association at 7:00pm this Thursday, February 28 at the Northport branch of the Fargo Public Library—2714 Broadway N.

In addition, staff will be working with Jesse for him to try and schedule a larger neighborhood open house, for which there would be a broader notification process (likely involving mailings to adjacent residents and property owners) prior to the submittal of any development applications. Jesse is currently looking at mid-March for possible meeting dates. I will try to keep you all informed as these discussions progress. Jesse suggested that this may be worth discussion at Thursday's meeting as well.

Thank you,

Aaron M. Nelson, AICP

Planning Coordinator | Department of Planning & Development  
City of Fargo | 225 Fourth Street North | Fargo, ND 58102  
Phone: (701) 241-1475 | Email: [anelson@FargoND.gov](mailto:anelson@FargoND.gov)

### Regarding Oak Grove Apartment Building Project

I am writing this letter as we the neighborhood, feel very strongly about the welfare of our neighborhood. Our concerns on how a proposed large apartment buildings in the Oak Grove area will negatively impact our neighborhood.

My name is Paul Seminary. I have lived in Fargo 57 of my 62 years. I have lived in different areas of Fargo during my life. I purchased my home at 59 6<sup>th</sup> Ave North in 2001. One of the reasons I decided to make my life in this neighborhood is this great Neighborhood. This part of town is 112 years old, with older homes and neighborhood designs. It is a history of our great city. There are signs of when the city was first started, like a piece of the track from the Trolley cars that used to run up and down the street. The houses are of historical designs. Our home was built in 1905 and there are other homes that were built earlier than ours. Our neighborhood is part of the historical district. The proposed 2 large apartment buildings would not fit the footprint of this neighborhood. We want to keep the historical footprint alive in our neighborhood.

We understand and believe in city growth. But we want to emphasize that the growth should follow the design of the neighborhood. The proposed apartment complex is a very large project that doesn't fit the footprint of this historical neighborhood. It would be like me wanting to build a house in the parking lot of West Acres. That would not fit the footprint of the commercial area. The apartment complex does not fit the footprint of this residential neighborhood.

Some of the concerns of the residents in this neighborhood from my understanding are:

Family. As mentioned above many of the families in this neighborhood are ones with young children. Increase in traffic can impact neighborhood safety.

Traffic. Craig Development has said that the design plan for the apartments is for one car stall per bedroom. This would roughly mean that the traffic up and down our busy street would increase by ~550 per day, not including visitors to the apartment occupants. As to why this would affect the traffic so severely, there are only 2 ways in and out (6<sup>th</sup> Ave and Oak St) of the complex. This would be in addition to the current busy traffic that already uses 6<sup>th</sup> Ave North and adjacent streets and avenues. This street is the main transportation to and from Oak Grove school and park area.

Has there been a road and traffic survey done for these streets and avenues? Will the current streets be able to withstand increased traffic flow – we have already been assessed taxes with the lights and sewer projects. Plus the increase in property taxes due to increase in home assessments. Most of the households in this neighborhood are older families or new families – we aren't able to absorb additional assessments.

Safety. Recently on the news there has been several crimes occurring amongst apartment complexes, theft, vandalism, and murder...Savanna Greywind Murder for example. Also in the news on November 7<sup>th</sup> Stonebridge and another apartment management firm sent their tenants letters about



locking their cars even if they were in the garage due to criminal activity. Please do not put us in that kind of risk by building this large of an apartment complex.

Flood Protection. If Craig Development needs to alter the existing permanent dyke built by the city, Craig Development should have to extend blanket insurance coverage within the parameters of the 300 feet set by the city to protect those individuals within the said footprint. For examples, when the levee broke in Grand Forks/East Grand Forks or the levees in New Orleans and closer to home, when the wall broke at Oak Grove School and many other examples.

As mentioned earlier, Oak Grove is a residential district and to compare our neighborhood to Downtown Fargo which is a business district is like comparing apples to oranges.

Our concern is for our neighborhood and those that live here. Can you show me how the Oak Grove project enhances this neighborhood. I am not aware of any. I can only see that there are 2 entities that will profit from this project, and it is not the people in this neighborhood.

Tax Credit. Why should Craig Development Company receive tax breaks to build HIS buildings when the city has already raised our property taxes. The people are tired of these tax breaks. Especially when the people of this neighborhood do not want these apartment buildings in THEIR neighborhood. The buildings Do Not fit the Footprint of this 112 year old neighborhood.

I know there was another resident in our neighborhood that collected signatures for a petition showing concerns for this project. Unfortunately this person became ill and wasn't able to continue this fight. The collection of signatures from this neighborhood shows us and should show the city that there are many concerns regarding this project in this neighborhood.

Have you been able to acquire the lists from Craig Development on whom he said he has contacted personally and the list of the people he notified from the September meeting?

Has there been any land surveys in the past proposed building site area and if so, what was the results from those surveys. Has this information been taken into account and if so how?

A majority of the people in this neighborhood aren't able to come to a meeting during their work hours. This does not mean that they do not care or are in agreement with this project but just that they can't leave work to come. They may not have vacation time to take or a boss that will allow time away from work. Just because there has been low numbers at the meetings, this does not mean the neighborhood residents do not care about this Oak Grove project, because they do. As the petition you have already received earlier shows that. This is a great neighborhood with historical value to the city of Fargo... we want to preserve these elements, the reason families have chosen to live in Oak Grove area.

Thank you for your time and assistance in this important matter. Please contact myself with any questions. My cell is 701-367-5421. I look forward to your reply and information request.

Paul Seminary

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

3262

AN ORDINANCE REZONING A CERTAIN PARCEL  
OF LAND LYING IN CRAIGS OAK GROVE SECOND 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 Craigs Oak Grove Second Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on June 2, 2020; and,

WHEREAS, the rezoning changes were approved by the City Commission on July 13, 2020,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot One (1), Block One (1) of Craigs Oak Grove Second Addition to the City of Fargo, Cass County, North Dakota;

that is currently zoned as "MR-2", Multi-Residential, District, with a "PUD", Planned Unit Development, District as established by Fargo City Ordinance No. 5047 is hereby rezoned to repeal the "PUD", Planned Unit Development, District, in its entirety and retain zoning as "MR-2", Multi-Residential, District.

Section 2. The following described property:

Lot Two (2), Block One (1) of Craigs Oak Grove Second Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "DMU", Downtown Mixed Use, District and "MR-2", Multi-Residential,

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

1 District with a "PUD", Planned Unit Development, District as established by Fargo City Ordinance  
2 No. 5047 to "DMU", Downtown Mixed Use, District, repealing said "PUD", Planned Unit  
3 Development in its entirety.

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

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

8  
9 (SEAL)

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

10 Attest:

11  
12  
13 \_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:

32c

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Truesdell's Addition	<b>Date: Updated:</b>	5/28/2020 7/8/2020
<b>Location:</b>	814, 818, and 822 Oak Street North	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description</b>	Lots 11, 12, 13, 14 Block 6 Truesdell's Addition		
<b>Owner(s)/Applicant:</b>	Arcadia Park View, LLC/Larry Carcoana	<b>Engineer:</b>	None
<b>Entitlements Requested:</b>	<b>Zone Change</b> (from SR-3, Single Dwelling Residential to SR-4, Single Dwelling Residential )		
<b>Status:</b>	City Commission Public Hearing: July 13, 2020		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Multi-Dwelling Residential (4-plexes)	<b>Land Use:</b> Duplexes
<b>Zoning:</b> SR-3, Single Dwelling Residential	<b>Zoning:</b> SR-4, Single Dwelling Residential
<b>Uses Allowed:</b> SR-3-- 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>
The applicant requests one entitlement: <ol style="list-style-type: none"> <li>1. A zoning change from SR-3, Single Dwelling Residential to SR-4, Single Dwelling Residential</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: MR-2, Multi-Dwelling Residential with multi-dwelling buildings</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> <p><b>Parks:</b> Mickelson Park and Softball Fields are east across Oak Street North from the subject property.</p>



**Pedestrian / Bicycle:** There are no bicycle or pedestrian trails adjacent to the subject property.

**Staff Analysis:**

The existing buildings are 4-plexes and were built in 1962, when the zoning was different on this property and allowed a different density. With the adoption of the current Land Development Code in 1998, this property was zoned to SR-3, Single Dwelling Residential. Thus, this lot now has more dwelling units on it than the current zoning allows.

The owner of this property, Arcadia Park View LLC, wants to turn these 4-plexes into duplexes—each building will have two units instead of four units, so there would be only six dwelling units on the property. The current SR-3 zoning would allow only five dwelling units, so the current zoning and existing development are not consistent. The SR-4 zone would allow a maximum of seven dwelling units on this lot.

Note that, despite the designation of the SR-3 and SR-4 zones as “single dwelling,” both zones allow duplexes. Neither one of these zones, however, allows any multi-dwelling structure—that is, an apartment building.

It is staff’s understanding from the applicant that the existing buildings would remain and be remodeled; no new or additional buildings would be built.

**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 six dwelling units—three duplexes—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 some inquiry phone calls about the project but not opposition. As the subject property is within the Horace Mann neighborhood, that neighborhood organization was advised of the project. No comment has been received. 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?**

<p>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. <b>(Criteria satisfied)</b></p>
<p><b>.Staff Recommendation:</b></p>
<p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move to approve the proposed zone change from SR-3, Single Dwelling Residential to SR-4, Single-Dwelling Residential as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC."</p>
<p><b>Planning Commission Recommendation: June 2, 2020</b></p>
<p>On June 2, 2020, by a vote of 7-0 with three Commissioners absent and one seat vacant, the Planning Commission moved to accept the findings and recommendations of staff and to recommend approval to the City Commission of the proposed zone change from SR-3, Single Dwelling Residential to SR-4, Single-Dwelling Residential as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC.</p>
<p><b>Attachments:</b></p>
<ol style="list-style-type: none"> <li>1. Zoning Map</li> <li>2. Location Map</li> </ol>

# Zone Change (SR-3 to SR-4)

## Truesdells Addition

814, 818 & 822 Oak St N



Legend





## Zone Change (SR-3 to SR-4)

### Truesdells Addition

814, 818 & 822 Oak St N





OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

3202

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

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN TRUESDELL'S 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 Truesdell's Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on June 2, 2020; and,

WHEREAS, the rezoning changes were approved by the City Commission on July 13, 2020,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots Eleven (11) through Fourteen (14), Block Six (6) of Truesdell's Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "SR-3", Single-Dwelling Residential, District to "SR-4", Single-Dwelling 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        Section 3. This ordinance shall be in full force and effect from and after its passage and  
2 approval.

3  
4  
5  
6 (SEAL)

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

7 Attest:

8  
9  
10 \_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:



# CAREER WORKFORCE ACADEMY

Secondary Early Entry • Post-Secondary • Incumbent Worker

33

July 8, 2020

Mayor Tim Mahoney and Fargo City Commission  
City of Fargo  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

RE: Career Workforce Academy (CWA) City of Fargo Investment Request

Dear Mayor Mahoney and Fargo City Commission:

On behalf of the public and private sector project partners who have worked diligently over the past three years, we sincerely appreciate the opportunity to provide the Fargo City Commission with a progress report and request for financial investment to leverage a time sensitive federal grant to allow the first phase of the project to begin, Spring 2021.

Public, private, and non-profit sector leaders in the area recognized there was an opportunity to take the area's workforce development to the next level by constructing a new building that will house the community college alongside several of the area's K-12 school districts' career and technical education (CTE) programs.

The first phase of the CWA will be a new 86,000 square foot facility designed to accommodate future expansion of an additional 39,000 square feet. The building is to be separated into spaces organized around the career clusters of transportation; manufacturing; health sciences; agriculture; architecture and construction; informational technology; arts and communications; and business, finance, and marketing. Skills gap analyses, conducted as part of a feasibility study in 2016, found critical deficiencies among the existing labor force. The study also asked business leaders across a range of sectors about their companies' capacity to invest in a new facility dedicated to workforce development. The results were favorable towards creating a Career Workforce Academy in Cass County.

Private contributions are aligned to match local public funds to secure a federal investment in the project. As of writing, \$17,270,000 in financial or in-kind pledges have been secured from local public and private investment. Private sector fundraising will continue for a Phase II for the project.

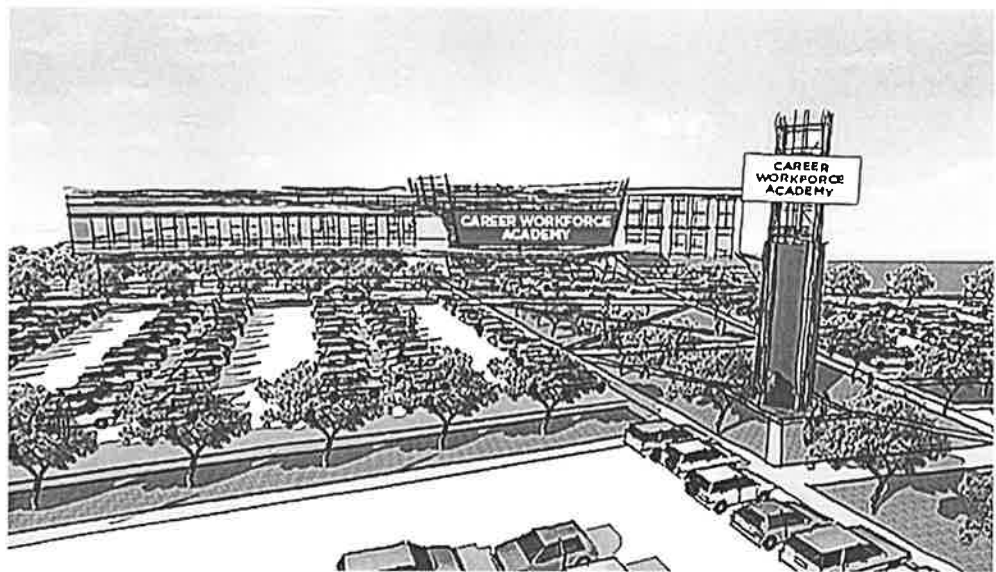
Recognizing our local support cited above, we respectfully request the City of Fargo consider a pledge of \$1,500,000 to be paid over five yearly installments beginning in 2020. On behalf of our K-12 partners, business and industry we look forward to creating a premier workforce program that will keep North Dakota competitive.

Thank you.

Sincerely,

John Richman, Ph.D.  
President, NDSCS

# Career Workforce Academy

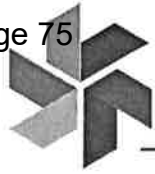


July 13, 2020

## City of Fargo Request

Contents of this report provide answers to project questions. Information contained in report was prepared by Central Cass Public Schools, Fargo Public Schools, North Dakota State College Science, Northern Cass Public Schools and West Fargo Public Schools.



**Dr. Tim Mahoney, Mayor and Fargo City Commissioners:**

On behalf of the collaborative Career Workforce Academy project, below is a brief project overview, public funding efforts and request of a five-year pledge of \$1,500,000 from the City of Fargo, Facility information, private investors to date, student projections, Moorhead collaboration and draft partner operating agreement.

The project is designed as a public/private partnership with a \$30 million capital budget. (\$15 million private and \$15 million public). To date, \$11,470,000 has been pledged from private sources.

The academy will offer programs that will provide K-14 students, the incumbent workforce and new American immigrants a curriculum to prepare them for successful careers. The program is also dependent on strong partnerships with business/industry leaders from the region that work together to enhance curriculum with relevant learning for successful outcome.

The project is a collaborative effort by the school districts of Fargo, West Fargo, Northern Cass, Central Cass and North Dakota State College of Science. It is designed to deliver workforce training and education that is responsive to changing employer and student needs.

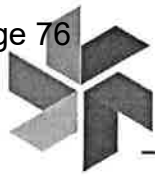
This plan will expand and enhance our ability to attract, retain and grow businesses and develop opportunities for student success in the workforce.

The Career Workforce Academy will:

- Provide exposure to multiple career paths for all levels of K-14 students.
- Present more opportunities for students to sample and experiment with a variety of careers.
- Create opportunity for those interested in a technical degree.
- Create a path for incumbent workers and new Americans for a new career.
- Provide appropriate facilities and equipment for hands-on career training.
- Focus on the region's workforce and employer needs.

On behalf of the project partners, we respectfully appreciate your support and timely consideration.

John Richman, Ph.D.  
NDSCS President



### **Public Funding Efforts**

Beginning in 2017, Career Workforce Academy education partners and local business leaders with the Greater Fargo-Moorhead Economic Development Corporation and the Fargo Moorhead West Fargo Chamber of Commerce have conducted in numerous meetings and strategy sessions that endorsed the \$30 million dollar Public/Private Partnership capital funding model.

Initially, the \$15,000,000 public K-12 funding options was explored. As a result, it was determined that K-12 school districts would not be able to fund capital construction which is largely based on demands of growth, tax base and projected state funding.

Beginning in the summer of 2018, efforts centered on securing State of North Dakota public funding. In December, 2018 \$30 million for career academies was included in Governor Doug Burgum's budget recommendation for the 2019 legislative session. In April 2019, the legislature ultimately chose not to fund the program.

In the Spring of 2019, The Chamber of Commerce of Fargo, Moorhead, West Fargo and the Greater Fargo Moorhead Economic Development Corporation through the Fueling our Future initiative proposed to Cass County elected officials public financial support for \$15 million as an economic development project. Over the past two months, the Cass County request has emerged into a shared public request between Cass County, the City of Fargo and City of West Fargo. Further, the project will entail two phases.

#### **Local financial support:**

##### **Secured:**

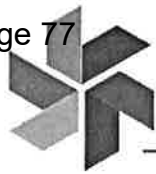
Private sector pledges	\$11,470,000
Cass County	\$5,000,000
City of West Fargo	\$800,000

##### **Requests:**

Fueling the Future	\$1,000,000-July 8, 2020
City of Fargo request	<u>\$1,500,000</u> -July 13, 2020

Total Local Support     \$19,770,000

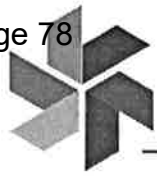
City of Fargo support will secure the required local funds for the project to apply for a federal grant of \$5,000,000. The federal grant request is time sensitive with applications due by July 20, 2020 with decision expected in October, 2020. Total first phase of the project upon federal grant award, Fall 2020 will total \$24,770,000. Construction would begin in the Spring of 2021.



## List of private sector commitments secured

### 52 Investors \$11,470,000

BNSF Railway Foundation	Eide Bailly
Capital Credit Union	Forum Communications
Caterpillar Inc	Border States
Midco	Trail King Indus.
Ottertail Power	WCCO Belting
Scheel Steve	Accent Contracting
Scheels Foundation	Camrud Foss Concrete Construction
Eid, Gerald & Brenda	Cornerstone Specialties
Eid, Jason & Kristie	Cullen Insulation, Inc.
Home Builders Association	Dakota Construction of Fargo, Inc.
Home Builders Care Foundation	DC Consulting, LLC - Dawn Cruff
Jay Dietz Construction	Design Direction, Inc
Miller & Sons Drywall, Inc.	Designer Homes of Fargo-Moorhead
Superior Insurance	Floor to Ceiling
Swanson, Robin	Heritage Homes
Windows Plus	Hirshfield's Paint
Cargill	Kochmann Brothers Homes, Inc.
US Bank	Krueger Construction Inc
Enclave construction	Labor Masters
FM Realtors Association	Lemke Home Improvement
Home Heating, Plumbing & A/C, Inc.	Lindquist Dan Construction Inc
BC/BS of ND	Red River Drywall & Decorating Services
Butler Greg	Studio West Homes LLC
Sanford Health	The Foam Doctor's, LLC
Don Dabbert	NDSCS Foundation
EAPC Architects	Moore Engineering



### **Objectives of Public-Private Partnerships**

1. To ensure government services are delivered in the most economical, effective and efficient manner
2. To create opportunities for private sector to contribute to overall economic growth
3. To ensure the best interests of the public, the business sector and community are served by appropriate allocation of risks.

### **Why \$1,500,000 over 5 years from the City of Fargo?**

Across the nation, public and private organizations have creatively engaged in various forms of partnerships for the success of their citizens and communities. Some policies and practices have been in place for decades, while others are emerging influenced by workforce demands, a desire for economic growth, or innovative grassroots leaders. Given the opportunity to leverage federal funding, the time is now to move the project forward. The following are examples of success due to county/local government influence and systemic strategies:

**Business – Public - Private Sector Partnerships:** Next Generation Sector Partnerships are partnerships of businesses, from the same industry and in a shared labor market region, who work with education, workforce development, economic development and community organizations to address the workforce and other competitiveness needs of the targeted industry. ([Resource](#))

**Oklahoma Local Investment in Career Training – A Track Record of Success:** In 1966 when Oklahoma voters approved a constitutional amendment allowing the establishment of what were then called area vocational-technical schools. One of the main goals of these schools was to provide cost-effective vocational education. The amendment allowed school districts to join together to form a vo-tech district with an independent board of education and its own locally approved tax base. The new school could then offer specialized occupational training programs that sending schools could not afford to offer, or for which they might not have enough enrollment to justify the offering. Today, 29 Career and Technology Center exist across the state of Oklahoma. ([Resource](#))

- [2019 Oklahoma County Millage](#)

**Wichita - Sedgwick County** – The National Center for Aviation Training (NCAT) was primarily (\$55 million) funded and built by [Sedgwick County](#) to meet aviation manufacturing workforce demand. [Wichita Area Technical College](#) (WATC) serves as the managing partner for the Center, partnering with [Wichita State University's National Institute for Aviation Research](#) (NIAR), to provide industry-driven training courses. This world-class training facility provides students the opportunity to receive hands-on, real-world training in the areas of general aviation manufacturing and aircraft and power plant mechanics. NCAT consists of three buildings: Advanced Manufacturing Technology Center (80,948 sq. ft.), the Aviation Service Center





(96,243 sq. ft.) and an Assessment and Administration Center (30,435 sq. ft.) for admissions, student services and employment placement.

- 2019 Ad Valorem Tax Levies – W. S. U. Program Development – 1.5 mils
- Community Development – Technical Education – (Initial Investment)

### Why New Facility?

In 2018, a comprehensive site/building search was completed by the Greater Fargo Moorhead Economic Development Corporation. Criteria used Career Workforce Academy included the following: Accessibility to major thoroughfares, proximity to majority of area high school students, real estate property, purchase price (Land cost), surrounding area use & appropriate zoning, visibility to community, acreage availability, access to utilities, 100 year flood history & any other environmental concerns, local reception, crime rate, proximity to public transportation and IT connection capability.

A total of seven options were presented. Listed below are the six building sites and one available building that were considered.

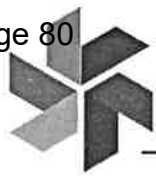
1. 1001 NP Avenue North, Fargo
2. 64th Avenue South & 45th Street, Fargo
3. 2121 43rd Street. South, Fargo
4. 52nd Street NW & 19th Avenue North, Fargo
5. West Main Avenue & I-94, West Fargo
6. 64th Avenue South & I-29, Fargo
7. Gander Mountain Facility I-94 & 45th Street, Fargo

In 2019, it was determined with the Career Academy planning committee that the 45<sup>th</sup> Street and 64<sup>th</sup> Avenue South option meet the majority of project criteria. The one existing building, Gander Mountain would have been ideal had there been enough acreage for expansion.

In addition, the Kmart facility, South University Drive, Fargo was later researched as to its availability. Local leaders contacted the real estate ownership group based in Atlanta, GA. The ownership group expressed their intentions were to redevelop the property for their own purposes.

### Career Sector Pathways

The vision of the Career Workforce Academy will build the awareness of multiple career clusters to include, transportation, health sciences, manufacturing, construction trades, business, Information Technology, agriculture and arts and communication. Programs will provide the skills necessary to be career ready through experiential education, classroom training, student connection to business and industry, and career path counseling. It will present real-time opportunities and real-life experiences by responding and



adapting quickly to industry demands and student interest. Success will depend on engaged student interest and on the collaboration of all stakeholders.

### **Career Workforce Academy Student Enrollment Projections**

Within the first few years, the Career Workforce Academy (CWA) project estimates approximately 3,900 students and individuals will receive education and training experiences annually. K-12 student enrollment is expected to reach more than 3,000 students, based on 10% student enrollment data from K-12 student populations at Career Academy operations in Sioux Falls, S.D. and Bismarck, N.D. Additionally, approximately 400 NDSCS students will be enrolled in college courses along with 500 employees that will receive training through TrainND and SkillsND program offerings.

*Source: The Fargo School District website stated Fargo/Moorhead metro enrollment in 2017 was 32,211.*

### **Moorhead Career Academy Collaboration**

At the inception of Career Workforce Academy discussions, local K-12 schools districts and two-year colleges were invited to the table including Central Cass, Fargo, Kindred, Northern Cass, Moorhead, and West Fargo Public Schools, along with M-State and NDSCS. Early brainstorming and planning sessions were around a vision, concept and possible strategies to move such a project forward. All organization endorsed representatives to engage in the Phase I – research and strategic planning creation in 2017-2018 and Phase II – curriculum and program review in 2018-2019. Leadership and planning meetings were shared collaboration and consensus driven!

Throughout the Career Academy development process, organizations were tasked to envision the future of education, workforce needs, and student learning. They were also challenged to innovate current practices to consider the CWA vision. Realistically, all organizations had slightly different policies, district goals, funding and state requirements, which strengthened discussions, yet also challenged each individual organization to determine their commitment, beyond collaboration, but their ability to execute a shared vision and establish a formal partnership. A CWA partnership agreement was necessary to execute strategic plan goals and set forth terms and conditions of operation for the project.

As local organizations reviewed levels of commitment toward the CWA project, Moorhead elected to advance a bond referendum to manage growing high school enrollments and space issues. Kindred chose to focus on local high school career education programs due to travel. M-State determined to continue their focus on organizational goals. The CWA group celebrates the success of these organizations and recognizes the need for lines of communication to remain open for future partnerships and cooperation for the success of all.

In response to questions around the need for a Cass County CWA (CCCWA) versus the sharing with the Moorhead CWA (MCWA):



# CAREER WORKFORCE ACADEMY

Secondary Early Entry • Post-Secondary • Incumbent Worker

- Current and projected growth in regional populations, coupled with the current and projected growth of each school district, sets the stages for workforce and educational demands in Cass and Clay Counties, thus creates a demand for both the CCCWA and MCWA.
- Workforce demands persist to grow in the region, requiring training beyond high school for students, adults and new Americans.
- Following the passage of the bond referendum, Moorhead will be using their MCWA as an outlet for students (600-700) during phase 1 of their new addition, and then the phase 2 tear down and rebuild the second addition.
- Due to interest from DGF, Barnesville, and Hawley, it is likely that space at MCWA will be limited due to demands to partner with MCWA.
- At the fall M-State Advisory Committee meeting, President Brimhall communicated growth and need for additional program space and partnering with the MCWA.
- It is the vision of the CCCWA and MCWA to continue to collaborate as programs are designed to meet workforce demands, minimize duplication and explore options to share students and instructors as they serve learners in the region.

*"You need to be aware of what others are doing, applaud their efforts, acknowledge their successes, and encourage them in their pursuits. When we all help one another, everybody wins." - Jim Stovall*

## Attachment A

### FACILITY OPERATING AND CONCURRENT ENROLLMENT AGREEMENT 01-10-2020

This Agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between North Dakota State College of Science (NDSCS), 800 6<sup>th</sup> Street North, Wahpeton, ND 58076 ("NDSCS"), and the following: Central Cass Public Schools, 802 5<sup>th</sup> Street North, Casselton, ND 58102, Fargo Public Schools, 415 North 4<sup>th</sup> Street, Fargo, ND 58102, Northern Cass Public Schools, 16021 18<sup>th</sup> Street SE, Hunter, ND 58048, and West Fargo Public Schools, 207 Main Avenue West, West Fargo, ND 58078 ("School Districts"), with all jointly being referred to as the "Parties."

#### Recitals

The Parties wish to execute this agreement to create the Cass County Career Workforce Academy ("CCCWA") at: (address \_\_\_\_\_)

The founding membership of the CCCWA shall be comprised of: Fargo Public Schools, West



Fargo Public Schools, Northern Cass Public Schools, Central Cass Public Schools and NDSCS. Additional members may be added upon mutual consent of founding members.

NDSCS has established an agreement with the following owner, \_\_\_\_\_, for the CCCWA to operate out of the building at [reference the site of building or the name of the building] ('Building')

The Parties by mutual agreement share certain costs and expenses of operating the CCCWA, including expenses relating to maintenance staff, maintenance, and operating costs.

#### **Statement of Purpose**

The Parties acknowledge and agree that the CCCWA Building will be used jointly by the Parties for educational purposes and that each Parties receives substantial benefits by the creation and shared use of the CCCWA.

#### **Term of Agreement**

The term of this Agreement will be for an initial period lasting at least through the construction and financing phase of the project. Then after the initial period, this agreement will renew with all Parties in five-year increments thereafter, so long as NDSCS has an agreement with the owner, \_\_\_\_\_, to utilize the building.

#### **Facility Use**

On or before July 1<sup>st</sup> of each year the Parties will meet, discuss and agree to each Parties schedule and use of the classrooms, shops and/or labs. The Parties acknowledge that each Parties use of the facility is substantially equivalent, however, notwithstanding that principle, each Parties need for space maybe renegotiated from time to time.

#### **Financial Provisions**

1. The Parties will share in the cost of operations and maintenance of the CCCWA. The Parties acknowledge the CCCWA will have operation and maintenance costs. Items upon which the cost allocation will be applied shall include, but not be limited to, the following: heat and electricity, water, sewage, rubbish removal, building insurance, ground maintenance supplies and janitorial supplies, custodian and ground maintenance salaries, IT network, and telephone expenses.
2. Cost of Operations and Maintenance Allocation Formula. The current estimated





annual cost of operations and maintenance is \$600,000. The parties have agreed to an initial payment formula of: NDSCS - \$300,000; Fargo Public Schools - \$100,000; West Fargo Public Schools - \$100,000; Central Cass Public Schools - \$50,000; Northern Cass Public Schools - \$50,000.

3. The Parties acknowledge that the future costs of repairing the building, roof, parking lot, HVAC system, additional land acquisition, specials, etc., and establishment of a deferred maintenance fund, are part of the ongoing operating and maintenance expense that will need to be addressed three years from the date of execution of this agreement.
4. The Parties shall review the finances, and operations and maintenance allocation formula of the CCCWA on an annual basis.
5. **Tuition and Fees for Concurrent Courses.** Each School District will determine how the NDSCS college tuition and fees will be paid.

#### **Liability Insurance Coverage**

Each Parties shall purchase and at all times maintain comprehensive general liability insurance containing standard coverages against any and all injury to person or property in such amounts as it may reasonably deem necessary to provide adequate liability coverage for the general public, patrons and visitors to the CCCWA, policy and amount shall be reviewed annually by the Parties so as to maintain adequate coverage at all times.

#### **Personal Property Insurance**

Each Parties shall consider and maintain personal property insurance coverage against any and all damage to furnishings, equipment, and fixtures located with the facility. The personal property insurance coverage shall be in an amount equal to replacement value of the furnishings and equipment each owned by each Parties, which policy and amount shall be reviewed annually by Parties to maintain adequate coverage at all times.

#### **Governing Law**

This Agreement and the rights and liabilities of the Parties shall be determined in accordance with the laws of the State of North Dakota.

#### **Captions**

Captions contained in this Agreement are inserted only as a matter of convenience and in no way define, limit, extend or describe the scope of this Agreement or the intent of any provision hereof.

**Severability**

Every provision of this Agreement is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the terms or provisions within this Agreement.

**Amendments to Agreement**

This Agreement may be modified or supplemented at any time by the written agreement of the Parties.

**Expiration or Termination of Agreement by Parties**

After the initial period of this agreement has been completed, a member may terminate their participation in the CCCWA by submitting, in writing, a withdrawal resolution prior to February 1<sup>st</sup> of the year in which the termination is to be effective. All properties and physical assets will remain with CCCWA.

**Re-entry after Termination**

Re-entering School Districts shall be allowed to renew participation in the CCCWA based on such terms and conditions the Parties hereto may approve.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020

**North Dakota State College of Science**

By: \_\_\_\_\_ Attest: \_\_\_\_\_

**Central Cass Public School District**

By: \_\_\_\_\_ Attest: \_\_\_\_\_

**Fargo Public School District**

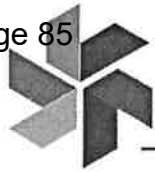
By: \_\_\_\_\_ Attest: \_\_\_\_\_

**Northern Cass Public School District**

By: \_\_\_\_\_ Attest: \_\_\_\_\_

**West Fargo Public School District**

By: \_\_\_\_\_ Attest: \_\_\_\_\_



# CAREER WORKFORCE ACADEMY

Secondary Early Entry • Post-Secondary • Incumbent Worker

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January 10, 2020

Chair Chad Peterson and Cass County Commissioners  
211 9<sup>th</sup> Street S.  
Fargo, ND 58103

Chairman Peterson and Cass County Commissioners:

On behalf of the Valley Prosperity Partnership (VPP) we write in support of the development of the Cass County Career Workforce Academy. The VPP is a 28-member coalition representing major business employers, joined by higher education and economic development partners, working together to advocate for and achieve common strategic economic development goals. Workforce development has been the VPP's highest priority since its establishment in 2012.

As business leaders in the Red River Valley we believe this academy will offer the training and skills most urgently needed in the region. The academy will expand career and technical education and training that focuses on career pathway programs that align with industry growth clusters with the highest potential for creating growth and shared prosperity in our region.

Led by a collaborative group of educational organizations and the North Dakota State College of Science, the Academy is a potent partnership that includes private sector companies, K-12 school districts in Cass county, and the FMWF Chamber of Commerce and the Greater Fargo-Moorhead Economic Development Corporation operating in partnership via the Fueling Our Future initiative.

As Co-Chairs of the VPP we are confident that the Cass County Career Workforce Academy will have a significant long-term impact on the availability of skilled workers not only here in Cass County but throughout the Red River Valley and beyond. We respectfully urge you to partner with the private sector, K-12 districts and NDSCS to provide the necessary capital to construct this important asset for our region.

Sincerely,

Marshal Albright

Steve Burian

JOHN HOEVEN  
NORTH DAKOTA336 RUSSELL SENATE OFFICE BUILDING  
TELEPHONE: (202) 224-2554  
FAX: (202) 224-2889

hoeven.senate.gov

## United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
AGRICULTURE  
APPROPRIATIONS  
ENERGY AND NATURAL RESOURCES  
INDIAN AFFAIRS

May 28, 2020

Ms. Angela Belden Martinez  
Regional Director  
Economic Development Administration  
Denver Regional Office  
1244 Speer Boulevard, Suite 431  
Denver, CO 80204-3515

Dear Director Martinez:

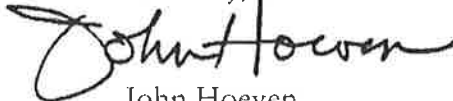
I am writing to express my support for the forthcoming application from the North Dakota State College of Science (NDSCS) for Coronavirus Aid, Relief, and Economic Security (CARES) Act funding under the Public Works and Economic Adjustment Assistance Programs (FOA: PWEAA2020). Thank you for your consideration.

North Dakota has a long record of economic expansion and diversification. We've made tremendous investments to add value to our primary industries of agriculture and energy, while also leveraging our institutions of higher education as engines of innovation. This has provided good jobs and helped establish our state as a hub of technology entrepreneurship.

The proposal from the NDSCS seeks to build on this progress by addressing local demand for skilled labor. The Career Workforce Academy is a collaboration of private businesses, career and technical education (CTE) institutions, and local school districts in Cass County. The goal of this effort is to expand access to CTE and certificate programs for students in the region, empowering them to gain college credit and certifications prior to graduation. Doing so will help students get a head start on their careers, saving them time and money, while also helping businesses attract and retain skilled employees. Partnerships like this have the potential to provide greater opportunities for our residents to lead productive, successful lives and can enable a stronger economy for years to come.

Accordingly, I hope this proposal receives your favorable consideration. Thank you for your time and attention to this important matter. Please keep me informed of the review process, and feel free to contact me with any updates or inquiries you may have.

Sincerely,

John Hoeven  
U.S. Senator

10:44





— State of —  
**North Dakota**  
*Office of the Governor*

Doug Burgum  
*Governor*

June 2017

Dear State Board of Higher Education members,

As Governor of the great state of North Dakota, I strongly endorse the Fargo/Moorhead Regional Career Academy project.

This partnership will harness the power of private sector investment and the knowledge of K-12 school districts, as well as the North Dakota State College of Science and other two-year educational institutions, combined with the community-based focus found in organizations such as the Fargo Moorhead West Fargo Chamber of Commerce, Greater Fargo/Moorhead Economic Development Corporation and the cities of Fargo and West Fargo.

The synergetic effort being made to create a regional academy focused on equipping young adults with the skills they need to achieve career readiness is remarkable.

The project's focus is one of great merit, as the benefits of career and technical training to create a more empowered workforce extend far beyond that of the individual's ability to lead a more successful and productive life.

Business and industry's commitment to cooperative educational and apprenticeship opportunities fosters growth in all areas of society, including workforce development, efficient infrastructure and healthy, vibrant communities. Growth in these areas is beneficial to all and is strongly enhanced by cooperative efforts such as the Fargo/Moorhead Regional Career Academy project. It will allow our workforce to remain competitive in a 21st century economy, and we must support these ventures.

Sincerely,

A handwritten signature in black ink, reading "Doug Burgum".

Doug Burgum  
Governor



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**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

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

**DATE: JULY 8, 2020**

**SUBJECT: REMODELING POLICY**

A handwritten signature in black ink, appearing to be "JG", is written over the name "JIM GILMOUR" in the "FROM" line.

The Tax Exempt Review Committee is recommending a change in the remodeling tax-exempt policy to allow 5-year remodeling and additional tax exemptions for commercial properties adjacent to the downtown.

The change was first discussed when considering an application from 701 Brew for a remodeling tax exemption on the northeast corner of University Drive and 7th Avenue North. Current policy would provide a 3-year remodeling exemption to this project. The policy for property across the street would be to provide a 5-year remodeling exemption on both the current building and the expansion. The 701 Brew property is zoned Downtown Mixed Use.

The Tax Exempt Review Committee supported the 5-year exemption, but felt it was important to first amend the policy. The initial idea was an expansion of the boundary of the area eligible for the longer-term exemptions. Because of concerns from neighborhood groups on the boundary change, the Committee decided to recommend this more limited change.

The proposed change does not expand the area where PILOT incentives would be considered, and it does not change the policy for residential or apartment policy. The change is limited to commercial property. Affected commercial properties include this applicant and commercial properties on the west edge of the downtown. The old and new policies are attached.

**Recommended Motion**

Amend the remodeling tax-exempt policy to allow 5-year remodeling and additional tax exemptions for commercial properties adjacent to the downtown.

### **Remodeling Exemption Guidelines**

This exemption provides an incentive to property owners to invest private capital in order to remodel and rehabilitate buildings and structures to prevent the properties from decay. It is at the discretion of the City whether or not to grant this exemption to properties.

This exemption encourages the investment of private capital to improve properties, subsequently encouraging the production of wealth, improving the volume of employment, enhancing living conditions, and preserving and increasing the property tax base.

The standard policy utilized by the City of Fargo in granting the exemption allowed for improvements to property, according to N.D.C.C. Chapter 57-02.2, will be as follows:

#### **Residential & Apartment Property**

*3 year exemption for value added due to remodeling and additions to buildings 25 years old to 39 years old.*

*5 year exemption for value added due to remodeling and additions to buildings 40 years old and older.*

#### **Commercial Property**

*3 year exemption for value added due to remodeling only for all properties outside of and not adjacent to the Downtown Incentive Area and for buildings under 25 years old within the Downtown Incentive Area.*

*5 year exemption for value added due to remodeling and additions to buildings 25 years old and older within the Downtown Incentive Area.*

*\*Central Business District boundaries are defined in the "Downtown Area Plan".*

<b><u>TYPE</u></b>	<b><u>YRS EMEMPT</u></b>	<b><u>BLDG AGE</u></b>	<b><u>ELIGIBLE IMPROVEMENT</u></b>	<b><u>MISC</u></b>
Residential & Apartments	3	25-39 Yrs	Remodel & Additions	
Residential & Apartments	5	40 Yrs & Up	Remodel & Additions	
Commercial	3	All	Remodel Only	Outside & Not Adjacent To Downtown Incentive Area
Commercial	5	25 Yrs & Up	Remodel & Additions	In & Adjacent To Downtown Incentive Area

- No exemption, under this policy, will be granted for assessment value replaced after a reduction in appraised value has been made by the Assessment Department for value lost due to fire, flood, tornado, or other natural disaster.

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*3 year exemption for value added due to remodeling and additions to buildings 25 years old to 39 years old.*

*5 year exemption for value added due to remodeling and additions to buildings 40 years old and older.*

#### **Commercial Property**

*3 year exemption for value added due to remodeling only for all properties outside of the Central Business District\* and for buildings under 25 years old within the Central Business District.*

*5 year exemption for value added due to remodeling and additions to buildings 25 years old and older within the Central Business District.*

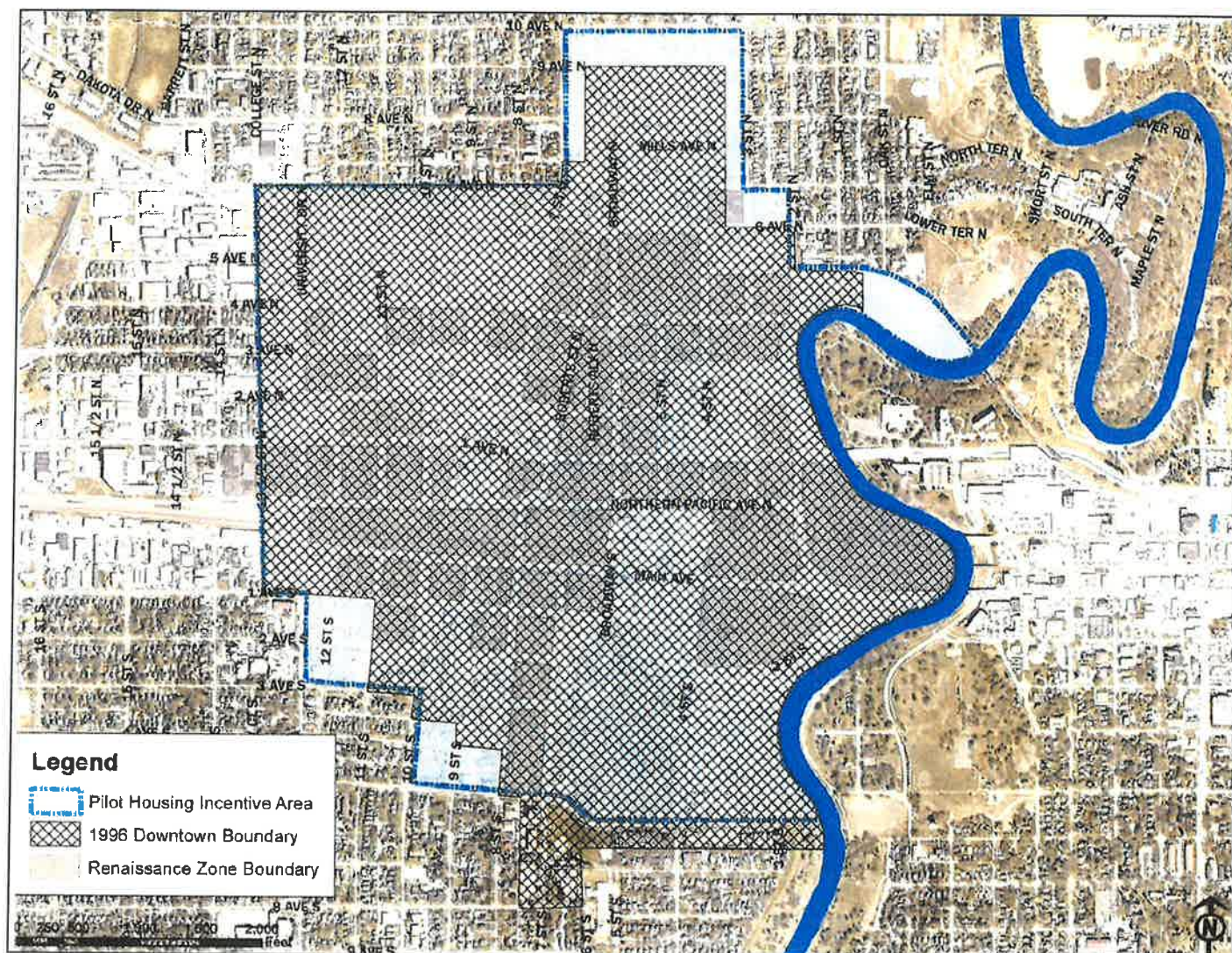
*\*Central Business District boundaries are defined in the "Downtown Area Plan".*

<b>TYPE</b>	<b>YRS EMEMPT</b>	<b>BLDG AGE</b>	<b><u>ELIGIBLE IMPROVEMENT</u></b>	<b><u>MISC</u></b>
Residential & Apartments	3	25-39 Yrs	Remodel & Additions	
Residential & Apartments	5	40 Yrs & Up	Remodel & Additions	
Commercial	3	All	Remodel Only	Outside Central Bus. District
Commercial	3	Thru 24 Yrs	Remodel Only	In Central Business District
Commercial	5	25 Yrs & Up	Remodel & Additions	In Central Business District

- No exemption, under this policy, will be granted for assessment value replaced after a reduction in appraised value has been made by the Assessment Department for value lost due to fire, flood, tornado, or other natural disaster.



### **Downtown Housing Incentive Area Map**







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July 1, 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 2206 8 St N as submitted by James & Geraldine Flaig. 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 2020, 2021, 2022, 2023 & 2024.

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,

A handwritten signature in black ink, appearing to read "James Haley".

James Haley  
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>James &amp; Geraldine Flaig</u>		Phone No.	<u>701-730-3284</u>
2. Address of Property	<u>2206 8 St 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>Lt 8, Blk 3, Peter Sway 2nd</u>			
4. Parcel Number	<u>01-3040-00430-000</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>Remodel bath &amp; kitchen, remove wall &amp; closet</u>
7. Building Permit No.	<u>19110749</u>
8. Year Built	<u>1954</u>
9. Date of Commencement of making the improvement	<u>November 2019</u>
10. Estimated market value of property before improvement	\$ <u>213,000</u>
11. Cost of making the improvement (all labor, material and overhead)	\$ <u>17,000</u>
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	<u>Geraldine Flaig</u> Date <u>1-4-2020</u>

**Assessor's Determination**

14. The local assessor finds that the improvements in this application has <input type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):
Assessor's Signature _____ Date _____

**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 _____

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**Water Treatment Plant**  
435 14th Avenue South  
Fargo, ND 58103  
Office: 701.241.1469 | Fax: 701.241.8110  
[www.FargoND.gov](http://www.FargoND.gov)

## MEMORANDUM

July 9, 2020

**To:** City Commission

**From:** Troy B. Hall, Water Utility Director *TBH*  
Nicole Crutchfield, Director of Planning & Development

**Re:** Property Purchases at New Downtown Water Tower Site

Attached, please find two purchase agreements with property owners along 7<sup>th</sup> Avenue North. This is the site where the new Downtown Water Tower (DWT) will be located. The Finance Committee and Utility Committee have both discussed and approved these purchase agreements (see Utility Committee Report of Action). The purchase of these two properties will allow the new DWT to be positioned to allow the existing, older water tower to remain in service for most of the new DWT construction. This will leave remnant land along 7<sup>th</sup> Avenue at the end of construction. As shown in the picture below, the two properties are:

- Single Family Home: 1114 7<sup>th</sup> Avenue North
- 4-Plex Rental Property: 1116 7<sup>th</sup> Avenue North

Infrastructure Sales Tax (Fund 450) is the funding source to pay for the two properties. To help pay for DWT construction, the Water Utility secured a \$2.81 million grant from the North Dakota State Water Commission (SWC) in February, 2020. Full project costs are listed as \$6.75 million in the Water Utility Capital Improvement Plan. DWT bidding is scheduled for late-2020.



Google Earth image of the 4-plex and Single Family Home that are recommended for purchase. The new Downtown Water Tower would be positioned to the southwest of the existing water tower, allowing the older water tower to remain in service for construction.



Water Utility personnel appreciates the efforts of Engineering Department staff in working with property owners on the attached agreements. The purchase costs are viewed as reasonable after discussion between the Engineering Department personnel, legal counsel, and Water Utility staff. The property costs in the purchase agreements are:

- 1114 7<sup>th</sup> Avenue North: \$185,000
- 1116 7<sup>th</sup> Avenue North: \$350,000

Considering additional costs with other property purchases such as relocation costs, moving costs, and finding comparable housing, the current purchase agreements appear fair to both the current owners and the City of Fargo. Property purchases at this time should allow DWT construction to begin immediately in the spring of 2021. Under the anticipated construction timeline, the new DWT will be in service by 2023. If the property purchases are approved under this item, the Water Utility will work with the Fargo Park District to acquire the remaining needed land for the new tower location.



**The Water Utility will work with the Fargo Park District to acquire a 3<sup>rd</sup> piece of property (red boundary) to secure all of the needed land for the new Downtown Water Tower.**

The phasing of the DWT project includes a multi-year timeline before the new tower is up and running and the old towers are demolished. The Planning Department and Water Utility Department are collaborating community engagement activities including with the Core Neighborhood planning process and possible future uses for consideration of the remnant land. In addition, potential HUD monies might be considered eligible for community development goals related to remaining vacant land. Planning staff is working with our project team to engage in future neighborhood meetings with the Downtown Neighborhood Association, Roosevelt Neighborhood Association and neighboring community stakeholders for the development of a master plan for any future development beyond the new water tower.

**SUGGESTED MOTION:** Approve purchase of two properties at 1114 7<sup>th</sup> Avenue North and 1116 7<sup>th</sup> Avenue North in the amounts of \$185,000 and \$350,000, respectively, using Infrastructure Sales Tax (Fund 450) as the funding source.

REPORT OF ACTION**UTILITY COMMITTEE**

Project No. WA1910

Type: Downtown Water Tower  
Property PurchasesLocation: 1114 7<sup>th</sup> Avenue North & 1116 7<sup>th</sup> Avenue North

Date of Hearing: 6/4/20

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/13/20</u>
Project File	<u>                    </u>

Troy Hall, Water Utility Director, presented the attached memo regarding the purchase of two properties along 7<sup>th</sup> Avenue North to make room for construction of the new downtown water tower and allow the old water tower to stay in service during most of construction. Purchase of two properties now should allow tower construction to begin in the spring of 2021. The addresses of the properties proposed to purchase are 1114 7<sup>th</sup> Avenue North & 1116 7<sup>th</sup> Avenue North. These are a single family home and 4-plex rental property, respectively. The purchase agreement price for 1114 7<sup>th</sup> Avenue North is \$185,000. The purchase agreement price for 1116 7<sup>th</sup> Avenue North is \$350,000. Infrastructure Sales Tax (Fund 450) would be used to fund the purchases. However, the City of Fargo was approved for a \$2.81 million grant through the State Water Commission toward new water tower construction in February, 2020.

**MOTION:**

On a motion by Ben Dow, seconded by Jim Hausauer, the Utility Committee voted to approve the property purchases at 1114 7<sup>th</sup> Avenue North & 1116 7<sup>th</sup> Avenue North in the total amount of \$535,000 as part of the Downtown Water Tower project.

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

ATTEST:



Troy B. Hall  
Water Utility Director

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



**PURCHASE AGREEMENT**

**THIS AGREEMENT**, made and entered into by and between **Steven B. Scheer**, the identified owner of the property located at 1114 7<sup>th</sup> Ave North in Fargo, North Dakota hereinafter "Seller", whether one or more, and the **CITY OF FARGO**, a North Dakota municipal corporation, hereinafter "City" or "Buyer",

**WITNESSETH:**

**WHEREAS**, Seller is the owner of real estate situated in the County of Cass and State of North Dakota described as follows:

Lot Three (3), Block One (1) of Fargo Park District North Maintenance Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

Property Address: 1114 7<sup>th</sup> Ave North, Fargo, ND.

**WHEREAS**, the City of Fargo wishes to acquire Seller's property for use in the relocation of the City Water tower adjacent to Seller's property; and

**WHEREAS**, Seller accepted Buyer's offer to purchase in accordance with the terms herein;

**NOW, THEREFORE**, in consideration of the mutual covenants, promises and agreements of the parties, it is hereby agreed as follows:

1. Subject Matter. The subject matter of this agreement is the real estate described, other buildings located thereon, and all items affixed to the property.

2. Purchase Price. The purchase price for the Property is One-Hundred Eighty-Five Thousand Dollars (\$185,000).

3. Payment of Purchase Price. The mortgage, if any, as well as any liens or encumbrances, will be paid and Seller shall receive the balance of the purchase price, less any escrow amounts, in cash on the date of closing.

4. Fixtures, Structures and Personal Property. Seller and Buyer agree that the real and personal property affixed to the real estate at the time of closing shall become the Buyer's property without the need for a bill of sale or other conveyance. The parties further agree that all carpeting, light fixtures, window coverings, dishwasher, and other appliances affixed to the property are included in this transaction, unless excepted herein:

Items Identified for Removal by Seller:

WASHER, Dryer

5. Abstract. Seller shall furnish Buyer an abstract of title to the subject property and

Buyer shall pay for the cost of continuation of said abstract to a recent date. Said abstract must show good and marketable title in Seller free and clear of all liens and encumbrances (other than those that will be handled at closing). City shall pay all costs associated with closing, including deed preparation and recordation.

6. Taxes and Utilities. Taxes and installments of special assessments for the year of closing shall be prorated between the parties to the date of closing based upon current total true value as calculated by the County of Cass, ND, as of the date of closing. Prior year taxes and assessments must be paid by Seller in advance of closing.

7. Deeds. Seller shall sign warranty deeds prepared by Buyer. Buyer will take title as follows: City of Fargo, North Dakota, a municipal corporation.

8. Closing Date and Transfer of Possession. Closing shall take place on or before December 31, 2020. The City shall take possession of the real estate no later than the last day of the month of closing, unless other arrangements have been made. If City does not take possession on the date of closing, \$1,000 will be required of Seller at closing and retained until such time as the possession of the property is secured by the City in satisfactory condition. Seller agrees the \$1,000 deposit may be forfeited if the property is not delivered in satisfactory condition.

A separate Occupancy Agreement may be entered into between the parties should Seller desire to continue to reside in the dwelling longer than the end of the month of closing. If Seller elects to occupy the premises beyond the end of the month of closing, rent shall be paid to the City in the amount of \$500/month beginning on the 1<sup>st</sup> day of the month following closing. 2% of the purchase price shall be retained until such time Seller vacates the premises and remits the garage door openers and keys to the City.

If Seller vacates the property prior to closing, the end of the month of closing, or prior to the expiration of the time period contained in an Occupancy Agreement, Seller shall immediately notify Buyer so that appropriate measures can be taken to secure the premises.

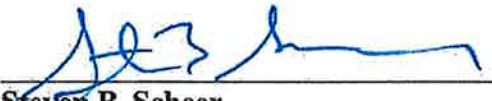
9. Warranty. Seller provides no express warranties on the subject property. Buyer understands and agrees that the property is a used home and is being purchased "AS IS". Buyer shall make any inspection it deems necessary concerning the condition of said used home.

10. Inspection and Photographs. Seller agrees to allow City to enter the Premises for purposes of inspection, including but not limited to asbestos testing and mitigation.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2020.

(Signatures on following page.)

SELLER:

  
\_\_\_\_\_  
Steven B. Scheer

DATED this 12 day of June, 2020.

BUYER:

City of Fargo, a North Dakota  
municipal corporation

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

Attest:

\_\_\_\_\_  
Steve Sprague, City Auditor

**PURCHASE AGREEMENT**

**THIS AGREEMENT**, made and entered into by and between **Dean A. and Jamie A. Zastoupil**, the identified owner of the property located at 1116 7<sup>th</sup> Ave North in Fargo, North Dakota hereinafter "Seller", whether one or more, and the **CITY OF FARGO**, a North Dakota municipal corporation, hereinafter "City" or "Buyer",

**WITNESSETH:**

**WHEREAS**, Seller is the owner of real estate situated in the County of Cass and State of North Dakota described as follows:

Lot Four (4), Block One (1) of Fargo Park District North Maintenance Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

Property Address: 1116 7<sup>th</sup> Ave North, Fargo, ND.

**WHEREAS**, the City of Fargo wishes to acquire Seller's property for use in the relocation of the City Water tower adjacent to Seller's property; and

**WHEREAS**, Seller accepted Buyer's offer to purchase in accordance with the terms herein;

**NOW, THEREFORE**, in consideration of the mutual covenants, promises and agreements of the parties, it is hereby agreed as follows:

1. Subject Matter. The subject matter of this agreement is the real estate described, other buildings located thereon, and all items affixed to the property.
2. Purchase Price. The purchase price for the Property is Three Hundred Fifty Thousand Dollars (\$350,000).
3. Payment of Purchase Price. The mortgage, if any, as well as any liens or encumbrances, will be paid and Seller shall receive the balance of the purchase price, less any escrow amounts, in cash on the date of closing.
4. Fixtures, Structures and Personal Property. Seller and Buyer agree that the real and personal property affixed to the real estate at the time of closing shall become the Buyer's property without the need for a bill of sale or other conveyance. The parties further agree that all carpeting, light fixtures, window coverings, dishwasher, and other appliances affixed to the property are included in this transaction, unless excepted herein:

Items Identified for Removal by Seller:

Ranges/Stoves, Refrigerators, Dryer  
and Washer.

5. Abstract. Seller shall furnish Buyer an abstract of title to the subject property and



Buyer shall pay for the cost of continuation of said abstract to a recent date. Said abstract must show good and marketable title in Seller free and clear of all liens and encumbrances (other than those that will be handled at closing). City shall pay all costs associated with closing, including deed preparation and recordation.

6. Taxes and Utilities. Taxes and installments of special assessments for the year of closing shall be prorated between the parties to the date of closing based upon current total true value as calculated by the County of Cass, ND, as of the date of closing. Prior year taxes and assessments must be paid by Seller in advance of closing.

7. Deeds. Seller shall sign warranty deeds prepared by Buyer. Buyer will take title as follows: City of Fargo, North Dakota, a municipal corporation.

8. Closing Date and Transfer of Possession. Closing shall take place on or before December 31, 2020.

If Seller vacates the property prior to closing, Seller shall immediately notify Buyer so that appropriate measures can be taken to secure the premises.

9. Warranty. Seller provides no express warranties on the subject property. Buyer understands and agrees that the property is a used home and is being purchased "AS IS". Buyer shall make any inspection it deems necessary concerning the condition of said used home.

10. Inspection and Photographs. Seller agrees to allow City to enter the Premises for purposes of inspection, including but not limited to asbestos testing and mitigation.

DATED this 10<sup>th</sup> day of June, 2020.

11. Added Section 1031 Like Kind Property Exchange Addendum.

SELLER:

  
Dean A. Zastoupil

  
Jamie A. Zastoupil

DATED this \_\_\_\_ day of \_\_\_\_\_, 2020.

BUYER:

City of Fargo, a North Dakota  
municipal corporation

---

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

Attest:

---

Steve Sprague, City Auditor

## INTERNAL REVENUE CODE SECTION 1031

### LIKE-KIND PROPERTY EXCHANGE ADDENDUM

This addendum is made and entered into on June 10<sup>th</sup>, 2020 and is an addendum to the City of Fargo Purchase agreement dated June 10<sup>th</sup>, 2020 between The City of Fargo(Purchaser) and Dean A. and Jamie A. Zastoupil (Owner/Seller).

The Purchaser hereby acknowledges that the Owner/Seller has the option to qualify this transaction as part of a tax deferred exchange under Section 1031 of the Internal Revenue Code. The Purchaser agrees that the Owner/Seller may assign its rights and obligations under this agreement to a qualified third party Intermediary to facilitate the exchange. The Purchaser agrees to cooperate with the Owner/Seller in order to complete the exchange which will neither delay the closing nor cause additional expense or liability to the Purchaser.

All other items and conditions of this purchase agreement remain in full force and effect.

Dated: 6/10/2020

Owner/Seller: Dean A. Zastoupil

Dated: \_\_\_\_\_

Purchaser: \_\_\_\_\_

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**TO: BOARD OF CITY COMMISSIONERS**

**FROM: MAYOR TIMOTHY J. MAHONEY**

**DATE: JULY 9, 2020**

**SUBJECT: POLICE CHIEF SELECTION PROCESS**

On June 15th, I brought before you a recommendation for the formation of the Fargo Police Chief Selection Committee for approval. The Police Chief Selection Committee typically includes members of City Administration, the Police Department and the Civil Service Commission as well as community members to ensure candidates are assessed from a variety of different perspectives. The City Commission recognized the importance of having an inclusive Selection Committee for this important decision and approved including members of the Human Relations Commission as well as the Native American Commission. In addition, the City Commission approved expanding the number of community members to include an additional four community members.

Community member statements of interest were accepted between June 16th and June 21st. The statements of interest included responses to three following questions:

1. *Why are you interested in serving on the Fargo Police Chief Selection Committee?*
2. *How would your service on the Fargo Police Chief Selection Committee contribute to the successful screening and placement of the new Fargo Police Chief?*
3. *Please describe any experience, professional or volunteer, that you have related to the responsibilities of this Committee?*

We received 103 statements of interest from Fargo residents. The responses were reviewed by the Mayor, City Administration and Human Resources. The selection criteria included forming an inclusive committee and selecting members who will bring diverse experiences and perspectives to this important selection. The list below includes the four community members selected through the public process who I am recommending serve on the selection committee. Their individual biographies can be found below the list of members.

### **Selection Committee Members**

The role of the Selection Committee is to interview the candidates and make a recommendation to the City Commission for appointment.

Mayor Mahoney  
Deputy Mayor Piepkorn  
Bruce Grubb, City Administrator  
Michael Redlinger, Assistant City Administrator  
Jane Pettinger, Civil Service Chair  
Dr. Rupak Gandhi, Superintendent of Fargo Public Schools  
Dave Leker, Executive Director of Fargo Park District  
Fargo Police Officer – TBD on July 13th  
Fargo Police Sergeant – TBD on July 13th  
Matuor Alier, Human Relations Commission  
Lenore King, Native American Commission  
Jason Boynton, Community Member  
Nidal Omar, Community Member  
Tonya Greywind, Community Member  
Whitney Leedah, Community Member

### **Community Member Biographies**

#### **Jason Boynton**

Boynton has called Fargo home for 14 years and is currently a mathematics professor at North Dakota State University. He has served on various committees to improve the quality of education at NDSU, including as a member of several search teams to fill faculty positions. He has engaged in training to evaluate candidates fairly and without bias. Boynton is an active participant in the local Fargo music scene and co-founder of an organization which has retired \$20,000 of school lunch debts in Fargo.

#### **Nidal Omar**

Omar is a four decade resident of the Fargo community, a local business owner of more than 30 years and currently serves as the president of the Islamic Society of Fargo Moorhead. Omar has experience working with community members from a variety of cultures and backgrounds as well as collaborating with the Fargo Police Department in selecting the Cultural Liaison Officer.

#### **Tonya Greywind**

Greywind provides the perspective of an educator, foster parent and member of a Native American family to the selection committee. She recently earned her doctoral degree in Education leadership and has experience as an administrator with the ability to evaluate candidates. Greywind has previously participated in selection processes as



a committee member on state-led teams, including the North Dakota Department of Public Instruction.

**Whitney Leedah**

Leedah has worked as a healthcare professional with leadership training and experience both professionally and within the faith community. She believes a position of leadership such as Chief of Police should focus on community investment, crime prevention and crisis situation management. Leedah has served as a member of interview committees for healthcare positions in the past and has a strong passion for the Fargo community.

**Human Relations and Native American Commissions Member Biographies**

**Matour Alier**

Alier is a member of Fargo's New American community. He serves as the Vice chair of the Fargo Human Relations Commission, is a social worker for Cass County Government, Chairman of the Fargo-Moorhead Refugee Advisory Council as well as other roles within the faith community. Alier possesses a background in Human Resource work and has experience in selecting candidates.

**Lenore King**

King currently serves as the Chair of the Native American Commission, which works to strengthen the Native American Community by promoting understanding, recognition and respect for all cultures to enrich the community as a whole. She is affiliated with the Sisseton Wahpeton Oyate. She has served on the Native American Commission since 2016. King is an Employment Specialist with Community Options, LLC, supporting individuals with disabilities since 2007.

Attached, you will find a draft tentative timeline for the search process. The timeline is subject to change based on the availability of Selection Committee members and the Police Chief candidates.

**RECOMMENDED MOTION:** To approve the Fargo Police Chief Selection Committee as presented.

## Police Chief Selection Schedule

Date	Police Chief Selection Process
June 12	Application closing date
June 15	City Commission – selection committee discussion
June 16 – June 21	Community members - submission of statements of interest to serve on the selection committee
June 22 – July 9	City Commission Liaison/Administration/HR review of selection committee statements of interest
July 13	City Commission – approval of selection committee
July 14 – July 24	Selection Committee Member Kick-Off Meeting / Selection Committee - individual review of police chief applicants
July 28	City Commission Liaison/Administration/HR review of selection committee individual scoring & selection of candidates to be invited to virtual interview  HR to schedule interviews
August 4	Selection Committee – virtual interview with top eight (approximate) candidates
August 5 - 10	Candidate invitations and travel arrangements made by HR
August 17	Fargo Police Department - reception for candidates
August 18	Assessment Day & Selection
August 18 – 19	Internal Candidate – Full Offer
	or
August 18 – September 11	External Candidate – Conditional Offer <ul style="list-style-type: none"> <li>• PT Test (physical agility)</li> <li>• Medical Exam</li> <li>• Psychological Exam</li> <li>• Polygraph</li> <li>• Drug Screen</li> <li>• Fargo PD Background Investigation</li> <li>• Full Offer following successful completion of conditional phase</li> </ul>
August 24	City Commission Appointment – internal candidate
	or
September 21 – October 19	City Commission Appointment – external candidate – date dependent upon notice period with current employer (date range presumes at least 30 day notice)

June 2020							July 2020							August 2020							September 2020						
SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA
31	1	2	3	4	5	6				1	2	3	4										1	2	3	4	5
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8	6	7	8	9	10	11	12
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15	13	14	15	16	17	18	19
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22	20	21	22	23	24	25	26
28	29	30					26	27	28	29	30	31	*	30	31	1	2	3	4	5	27	28	29	30	1	2	3

# **FARGO POLICE DEPARTMENT**

105 25th Street North, Fargo, North Dakota 58102

David E. Todd, Chief of Police

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July 9, 2020

Board of City Commissioners  
City Hall  
Fargo, ND 58102

RE: Revising Fargo Police Department Policy

Dear Commissioners:

In light of the national conversations regarding law enforcement and criminal justice reform, the mayor, my staff and I have been working on revising our Use of Force and Response to Resistance Fargo Police Department Policy. Specifically we have addressed choke-holds in our policy revision to better reflect what our policy already stated, but could perhaps be stated with more clarity.

I have brought the policy before you to provide an update, understanding and to receive any feedback or constructive criticism you may have regarding the revision.

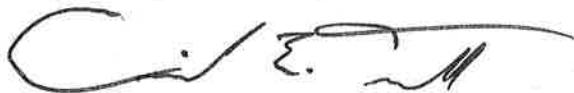
This is a Lexipol Policy system which we have implemented by rewriting all of our Fargo Police Department policies within these last five years. Our policy manual is approximately 708 pages long (not including the attached documents) and is very comprehensive. The system automatically updates with federal, state and case law changes, pushes those changes out to our officers for acknowledgement and allows us to customize it and provide updates on our own.

**Recommended Motion:**

*If acceptable, receive and file.*

Please contact me if you have any questions or concerns.

Sincerely,



Chief David E. Todd

ADMINISTRATION  
Phone: 701-241-1427  
Fax: 701-297-7789

INVESTIGATIONS  
Phone: 701-241-1405  
Fax 701-241-1407

RECORDS  
Phone: 701-241-1420  
Fax: 701-241-8272

NON EMERGENCY  
Phone: 701-235-4493

Response to Resistance  
PDF

### 300.1 PURPOSE AND SCOPE

§ This policy provides guidelines on the response to resistance and/or the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make decisions in a professional, impartial and reasonable manner.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Choke hold** - a physical maneuver that restricts an individual's ability to breathe or blood flow for the purpose of incapacitation.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained

### 300.2 POLICY

The response to resistance by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. On a daily basis Officers are involved in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

#### 300.2.1 DUTY TO INTERCEDE

§ Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

### 300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.



The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force to effect an arrest if, after notice of intention to arrest the person, the person either flees or forcibly resists (N.D.C.C. § 29-06-13).

### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- a. Immediacy and severity of the threat to officers or others.
- b. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- c. Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- d. The effects of drugs or alcohol.
- e. Subject's mental state or capacity.
- f. Proximity of weapons or dangerous improvised devices.
- g. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- h. The availability of other options and their possible effectiveness.
- i. Seriousness of the suspected offense or reason for contact with the individual.
- j. Training and experience of the officer.
- k. Potential for injury to officers, suspects and others.
- l. Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- m. The risk and reasonably foreseeable consequences of escape.
- n. The apparent need for immediate control of the subject or a prompt resolution of the situation.
- o. Whether the conduct of the individual being confronted no longer appears to pose an imminent threat to the officer or others.
- p. Prior contacts with the subject or awareness of any propensity for violence.
- q. Any other exigent circumstances.

### 300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- a. An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- b. An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. When practical, a verbal warning should precede the use of deadly force.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.
- c. The use of carotid restraint or other "choke holds" or neck restrictions are specifically and strictly prohibited for use by police personnel.
  - 1.) Exceptions
    - a.) If an officer, or other person, is in fear of death or serious bodily injury, and there is no other alternative available based on presenting circumstances, carotid restraints or other choke holds are permissible in defense of the officer or another's life.

#### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

#### 300.4.2 INTENTIONAL FIREARM DISCHARGE

The intentional discharge of a firearm by an officer at or towards any person shall be interpreted as the use of deadly force. Officers are prohibited from utilizing a "warning shot" from a firearm to gain compliance or otherwise overcome any resistance they encounter in the performance of their duties.

Deadly force may be directed at any animal (wild or domestic) that poses an immediate threat to an officer, civilian employee, or other person, or when the animal is otherwise deemed to be a threat to public safety. Deadly force may also be directed at an injured animal for humanitarian reasons. When feasible, an on-duty supervisor shall be notified and approve the use of deadly force on any animal prior to an officer using such force.

If a firearm is used to dispose of an animal for humanitarian reasons, only the department's Response to Resistance report is required unless otherwise determined by a command officer or supervisor.

### **300.5 REPORTING THE USE OF FORCE**

Any response to resistance that results in the death or serious bodily injury to any person, or if the force used by an officer results in an evident or claimed injury to the person who the force was used upon and the injury is attributable to the officer's actions, the officer using such force shall immediately notify an on-duty supervisor, or (when applicable) their shift commander. The incident shall be documented promptly, completely and accurately in a case report and/or supplement to the case report, as well as a department Response to Resistance Report (Attachment #1 or Attachment #2). Based upon the initial circumstances surrounding the incident the supervisor will make a determination regarding which Response to Resistance form is appropriate.

In addition, a sworn officer using force upon any person shall also complete a case report and/or supplement to the case report, as well as a department Response to Resistance report (see policy attachments), when:

- The officer uses pepper spray, police K9, defensive device, or an object of convenience upon any person ; or,
- The officer utilizes any strike, kick, punch, etc., upon a person to overcome resistance, regardless of whether the officer's actions result in an evident or claimed injury to the person who the force was used upon; or,
- The officer's actions result in a person impacting with any hard surface with such force that injury to the person is likely to have occurred

[See attachment: Response to Resistance Report.pdf](#)

#### **300.5.1 NOTIFICATIONS TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- a. The application caused a visible injury.
- b. The individual subjected to the force complained of injury or continuing pain.
- c. The individual indicates intent to pursue litigation.
- d. Any application of the TASER® device .
- e. The individual subjected to the force was rendered unconscious.
- f. An individual was struck or kicked.
- g. An individual alleges any of the above has occurred.

### **300.6 MEDICAL CONSIDERATIONS**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically cleared at a medical facility.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought

under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

### **300.7 SUPERVISOR RESPONSIBILITY**

The Field Services Division supervisor shall respond to an incident in which there has been a reported application of force where an officer's use of force resulted in any evident or claimed injury to any person and the injury is attributable to the officer's actions. The on-duty Field Services Division supervisor shall do the following as soon as it is practical to do so:

- a. Obtain the basic facts from the involved officers.
- b. Ensure that any injured parties are examined and treated.
- c. When possible, interview the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. If a recorded interview was obtained it should be documented in the Response to Resistance Report and kept for use in an administrative review.
  3. The recording of the interview should be kept for use in an administrative review if applicable.
- d. When possible, photograph any evident or claimed areas of injury on the person who force was used upon, including those areas on the person impacted by an officer's use of a Taser, pepper-spray, police K-9, defensive device, object of convenience, strike, kick, punch, etc
- e. Identify any witnesses not already included in related case reports.
- f. Review and approve all related case reports.
- g. Evaluate the circumstances surrounding the incident and determine which Response to Resistance Report is appropriate based on the complexity or severity of the incident.

#### **300.7.1 COMMANDER OFFICER RESPONSIBILITY**

A Commander Officer shall review each response to resistance by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

### **300.8 TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.