

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, July 13, 2020).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading and final adoption of the following Ordinances; 1st reading, 7/13/20:
 - a. Relating to Child Care Centers.
 - b. Rezoning Certain Parcels of Land Lying in Truesdell's Addition.
 - c. Rezoning Certain Parcels of Land Lying in Craigs Oak Grove Second Addition.
- 2. Findings of Fact and Order, and Notice for property at 717 3rd Avenue North.
- 3. Site Authorization for Metro Sports Foundation at Brewtus Clubhouse.
- 4. Applications for Games of Chance:
 - a. Haiti Eye Mission for a raffle on 10/30/20.
 - b. FM Walleyes Unlimited, Inc. for a raffle on 12/3/20.
 - c. Holy Spirit Catholic Church for bingo, raffle and calendar raffle from 9/7/20 to 10/11/20.
 - d. YMCA of Cass and Clay Counties for a raffle on 8/4/20.
 - e. Nativity Knights of Columbus for a raffle on 10/3/20.
 - f. St. John Paul II Catholic Schools for a raffle from 9/1/20 to 4/24/21.
- 5. Pledged securities as of 6/30/20.
- 6. Receive and file General Fund-Budget to Actual through June 2020 (unaudited).
- 7. Use of on-street parking stalls as outdoor dining areas in the Central Business District and the associated Agreement with the Downtown Community Partnership.
- 8. Right of Way Use Agreement with Great Plains Kesler South Holdings, LLC and Great Plains Kesler North Holdings, LLC.
- 9. Bid advertisement for Project Nos. FM-16-A and HD-19-A.
- 10. Change Order No. 2 for an increase of \$56,000.00 and time extension to 8/15/20 for Project No. FM-14-13.
- 11. Change Order No. 1 for an increase of \$115,290.00 for Project No. SR-20-A1.

- Page 2 12. State Water Commission requests for Cost Reimbursement for FM Diversion Flood Project Costs:
- a. Costs totaling \$1,650,055.35.
 - b. Costs totaling \$15,060.94.
13. Mutual Aid Agreement - Memorandum of Understanding with City of West Fargo, ND Fire Department.
 14. Community Faculty Contract (Hospital/Clinic with Single Contract) with the University of North Dakota School of Medicine and Health Sciences for medical school student training in the clinic.
 15. Financial Award from the ND Department of Commerce/DCS for the ND Homeless Grant.
 16. Notice of Grant Award with the ND Department of Health for Water Pollution-EPA Block (CFDA #66.605).
 17. Agreement for Services with Center Point Tactical LLC.
 18. Agreement for Services with Megan Nies.
 19. Bid award for conduit/fiber placement project (RFV20122).
 20. Bid awards for Library materials (RFP20115).
 21. Resolution approving Plat of Epic Gateway Addition.
 22. Resolution Approving Written Agreement for the HomeField 3 Activity Home Investment Partnership Program Funds and Owner Agreement with HomeField 3, LLLP for new construction at 4225 28th Avenue South (HOME Grant Funds).
 23. Interlocal Agreement with Cass County to provide \$49,274.00 in Edward Byrne Memorial Justice Assistance Grant (JAG) funds (CFDA #16.738).
 24. Direct the City Attorney to work with the Police Department to draft an amendment to the City Ordinance pertaining to hotel registries.
 25. Direct the City Attorney to work with the Police Department to draft a City Ordinance related to fighting.
 26. Bid award for the purchase of three loader mounted v-plows.
 27. Extension of fare free transit services (fixed route and paratransit) through 12/31/20.
 28. Change Orders for the Ground Transportation Center Remodel Project:
 - a. No. 1 for an increase of \$13,850.46 for the electrical contract.
 - b. No. 2 for an increase of \$933.55 for the mechanical contract.
 - c. No. 2 for an increase of \$187,843.71 for the general contract.
 29. Purchase and Installation of a Geonet Geocomposite Layer System with Northwest Linings and Geotextile Products in the amount of \$35,944.00 in conjunction with Project No. SW19-01 Cell 19.
 30. Change Order No. 1 for an increase of \$22,584.65 for Project No. WW1904.

- Page 3 31. Change Order No. 3 for an increase of \$21,886.27 for Project No. WA1951.
32. Task Order No. 10 with Apex Engineering in the amount of \$324,820.00 for Project No. WA2055.
33. Task Order No. 33 with AE2S in the amount of \$309,600.00 for the design and bidding of a pumping and metering system for regional water service.
34. Bid advertisements for Project Nos. WA1860 and WA1863.
35. Bid award for Water Treatment Plant chemicals for the remainder of 2020 (AFB20127).
36. Contracts and bonds for Project Nos. PR-20-B1 and SL-20-A1.
37. Bills.
38. Contract Amendment No. 6 in the amount of \$87,416.00 for Improvement District No. PN-19-A0.
39. Negative Final Balancing Change Order No. 6 in the amount of -\$9,232.78 for Improvement District No. BN-19-J1.
40. Bid award for Improvement District No. AN-20-B1.
41. Create Improvement District No. FM-20-C.

REGULAR AGENDA:

42. COVID-19 Update.
43. Recommendation to appoint Deputy Chief Ross Renner Interim Police Chief.
44. Public Hearings - 5:15 pm:
- a. CONTINUE to 8/10/20 - Application filed by PRx Performance for a payment in lieu of tax exemption (PILOT) for a project located at 4125 24th Avenue North, which the applicant will use in the primary operation of an e-commerce business with fitness related products.
 - b. Consider an appeal of the Liquor Control Boards 5/20/20 findings of a violation of Fargo Municipal Code 25-1512 (F) by Monte's Downtown, LLC d/b/a Twist.
 - c. Consider an appeal of the Liquor Control Boards 5/20/20 findings of a violation of Fargo Municipal Code 25-1512 (F) by Northstar Hospitality, LLC d/b/a SouthTown PourHouse.
 - d. Boulger First Addition (113 and 123 10th Street South; 1013, 1015 and 1019 2nd Avenue South); approval recommended by the Planning Commission on 6/2/20:
 - 1. Zoning Change from MR-3, Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial.
 - 2. 1st reading of rezoning Ordinance.
 - 3. Plat of Boulger First Addition.

- e. Edition Third Addition (4803 and 4809 38th Street South); approval recommended by the Planning Commission on 6/2/20:
 - 1. Zoning Change from MR-3. Multi-Dwelling Residential to LC, Limited Commercial.
 - 2. 1st reading of rezoning Ordinance.
 - 3. Plat of Edition Third Addition.
- 45. Request for Tax Increment Financing (TIF) for a project to be located southeast of 6th Avenue North and Oak Street.
- 46. CONTINUE to 8/10/20 - Application for Abatement or Refund of Taxes #4487 submitted by Stephanie Nyhus of Ducharme, McMillan & Associates on behalf of Scheels All Sports Inc. requesting the valuation for 2018 be reduced from \$28,286,000.00 to \$25,397,000.00 for property located at 1551 45th Street South.
- 47. Applications for property tax exemptions for improvements made to buildings:
 - a. Brickstone Plaza LLP, 2102 12th Street North (3 year).
 - b. Ole Rommesmo, 4401 Main Avenue (5 year).
 - c. 701 Brew, 701 North University (5 year).
 - d. John and Randa Meyer, 1010 18th Avenue South (5 year).
 - e. Ronald and Alice Mastrud, 66 18th Avenue North (5 year).
 - f. Charles Mielke Sr., 1420 18th Street South (5 year).
 - g. Daniel Wahl, 1544 3rd Avenue South (5 year).
 - h. Bruce and Jolene Karvold, 1730 14th Street South (5 year).
- 48. Discussion regarding COVID-19 Mask Policy recommendations:
 - a. OPTION A - All encompassing:
 - 1. City mandate requiring masks by all people (within reason) in any public setting.
 - b. OPTION B - Targeted Mask Policies:
 - 1. City Employee, public facility mask mandate.
 - 2. City/law enforcement support for businesses that establish mask requirements including legal abilities to trespass when needed.
 - 3. Mask requirements for MAT riders and drivers, etc.
- 49. Recommendations from the Human Relations Commission.

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.



Dr. Timothy J. Mahoney, Mayor

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TMahoney@FargoND.gov

July 23, 2020

MEMORANDUM

To: Board of City Commissioners
From: Tim Mahoney, Mayor
Bruce Grubb, City Administrator
Michael Redlinger, Assistant City Administrator
Re: Recommendation for Interim Police Chief Appointment

Police Chief David Todd has announced his retirement effective at the close of business on July 31, 2020. In preparation for the selection of a new Police Chief, the City Commission approved the formation of a Police Chief Selection Committee consisting of members with diverse backgrounds, experiences and perspectives. A tentative schedule for the selection process was presented at the July 13, 2020, Commission meeting listing potential start dates for the new Police Chief ranging from late August to early October, 2020.

In the interim period while the selection process for a new Police Chief is being conducted, we would like to designate an Interim Police Chief. It is the recommendation of the Mayor and City Administration that Ross Renner be named to serve as Interim Chief through the conclusion of the selection process. Mr. Renner has been employed with the Fargo Police Department since September 1997. Mr. Renner is currently a Deputy Chief with the Fargo Police Department and has served in that capacity since January 2016. He currently supervises the Field Services Division. DC Renner is not a candidate for the Police Chief position.

SUGGESTED MOTION:

Appoint Deputy Chief Ross Renner as Interim Police Chief effective at close of business on July 31, 2020.

C: Jill Minette, Director of Human Resources
Jennifer Kraiter, Human Resources Manager
Ross Renner, Deputy Police Chief

July 22, 2020

Board of City Commissioners
City Hall
Fargo, ND 58102

RE: Liquor Violation Hearings

Dear Commissioners:

Annually, the City of Fargo engages an independent audit firm to verify liquor licensee's food sales for liquor licenses that require food sales. In the fall of 2019 Brady Martz reviewed 33 alcohol licensees finding 2 that did not meet the required 50% food sales.


It was determined Twist had a food sales percentage of 48/52 food to alcohol leaving this restaurant in violation of the 50/50 requirement of the ordinance.

In addition, their examination determined that SouthTown PourHouse sold 42% food if the Duane's Pizza sales are excluded, leaving them in violation of the 50/50 requirement. Upon examination of the Facility Use Agreement, staff along with the city attorney determined the Duane's Pizza sales should not be included when considering the food sales percentage.

The findings were presented to the Liquor Control Board in May 2020. The Liquor Control Board voted unanimously to find Twist in violation of a second offense and to find SouthTown PourHouse in violation of a first offense.

Please contact me if you have any questions or concerns.

Sincerely,


Steven Sprague, City Auditor

Recommended Motion:

Agree with the finds of staff and the Liquor Control Board and find Twist in violation of a second offense of the food sales percentage, FMC section 25-1512 F.

Agree with the findings of staff and the Liquor Control Board and find SouthTown PourHouse in violation of a first offense of the food sales percentage, FMC section 25-1512 F

LIQUOR CONTROL AGENDA

To: Liquor Control Committee
 Commissioner Dave Piepkorn
 Commissioner Tony Gehrig
 Police Chief Dave Todd
 Grant Larson, Environmental Health

FROM: City Auditor Steven Sprague

DATE: May 14, 2020

SUBJECT: Liquor Control Committee Meeting

The Liquor Control Committee will be meeting on Wednesday May 20, 2020 at 1:30 p.m. in the City Commission Chambers. Attendance will be limited, please let Steve know if you plan to attend, SSprague@FargoND.Gov

Agenda items are:

1. Approve minutes of the February 19, 2020 meeting.
2. Review Liquor Applications
 - a. Application to issue a Class FA-Golf alcoholic beverage license to Spirit Properties d/b/a Edgewood Tavern located at 19 Golf Course Avenue.
 - b. Application to transfer a class FA-M alcoholic beverage license from Granite City Restaurant Operations, Inc. d/b/a Granite City Food & Brewery to Granite City, Inc. d/b/a Granite City Food & Brewery to be located at 1636 42nd Street SW.
3. Consider Covid-19 impact on bars and restaurants.
 - a. Should the liquor audits be suspended for 2020?
 - b. Should delivery from bars and restaurants be continued?
 - c. Should licensed premise be relaxed?
4. Review 2019 liquor audit findings.
 - a. Twist food/alcohol sales 48/52 percent
 - b. SouthTown PourHouse food/alcohol sales
 - i. with Duane's 53/47 percent
 - ii. without Duane's 42/58 percent
5. Other

LIQUOR CONTROL BOARD
May 20, 2020 1:30 P.M.

Present: Commissioner Piepkorn, Commissioner Gehrig (by phone), Police Chief Todd, City Auditor Sprague, Chris Ohman, Environmental Health
Absent: Grant Larson
Others Present: Rick Carik, Rick's; Duane Litton, Duffy's; Dave Erickson, Bulldog Tap, Nikki Berglund Bernie's; Jeff Thomas, Franks; Dustin Mitzel, Happy Harry's, Dan Hurder, Boiler Room; Randy Thorson, Old Broadway; Dave Glesner Sidestreet; Dan Labernik, Labby's; Mark Bjornstad & Jesse Fiegum, Drekker and Chad Klimek, SouthTown PourHouse, James Cailao, Vogel Law and other interested parties.

Meeting was called to order at 1:30 P.M.

1. Commissioner Piepkorn called the meeting to order and asked if there were any additions or corrections to the minutes of February 19, 2020. There were no additions or corrections to the minutes of February 19, 2020. Moved by Todd, seconded by Ohman to approve the minutes of the February 19, 2020 meeting of the Liquor Control Board all voted in favor, motion passed unanimously.
2. A. The first application to consider today is the issuance of a Class "FA-Golf" alcoholic beverage license to Spirit Properties, Inc. d/b/a Edgewood Tavern located at 19 Golf Course Avenue North.

Moved by Sprague, seconded by Todd to approve the issuance of a Class "FA-Golf" alcoholic beverage license to Spirit Properties, Inc. d/b/a Edgewood Tavern located at 19 Golf Course Avenue North. Motion approved unanimously.

B. The second application to be considered is for the transfer of a Class FA-M alcoholic beverage license from Granite City Restaurant Operations, Inc. d/b/a Granite City Food & Brewery to Granite City, Inc. d/b/a Granite City Food & Brewery to be located at 1636 42nd Street Southwest.

Moved by Sprague, seconded by Todd to approve the transfer of a Class FA-M alcoholic beverage license from Granite City Restaurant Operations, Inc. d/b/a Granite City Food & Brewery to Granite City, Inc. d/b/a Granite City Food & Brewery to be located at 1636 42nd Street Southwest. Motion approved unanimously.
3. Sprague raised some questions regarding the impact of Covid 19 on local bars and restaurants. Sprague asked if the liquor audits should be suspended. Chief Todd indicated he felt we should continue with the audits so the restaurants remain accountable, if we are seeing unreliable results we could make adjustments at the time.

Regarding the current moratorium, Commissioner Gehrig commented the City is trying to help existing businesses, some in the off-sale business will say it isn't fair but

perhaps we could create an additional class that would allow those that want to continue with alcohol delivery to continue that business model. Let's keep what is good and working and make it fair.

Randy Thorson, Old Broadway, said he'd like to see the City add alcohol in addition to the beer and wine, Grand Forks is doing this and it is working well. He said some food doesn't pack well in to go containers, but having a signature cocktail to go with the food would certainly help business sales. He feels a lot of restaurants will close as a result of the pandemic. He said the sealed containers for cocktails is working. Restaurants need time to adjust to how they are doing business. They need time to become creative in their product delivery. Restaurants are designed to be full, now they are having to operate on half capacity. Restaurants need the alcohol to meet the margins but they must sell food. Commissioner Piepkorn asked what kind of containers mixed drinks could go in. Mr. Thorson said it could be any container that can be sealed; glass, plastic, can bottle or bag as long as it is sealed. He said this will be vital to allow restaurants to survive. He doesn't think this should be permanent but need some time to adjust, this little extra will help. Commissioner Piepkorn said this is affecting bars too, limited seating is now the norm plus many people are not feeling comfortable and won't go back.

Hailey Gust from Mexican Village said 60% of their customers are requesting a margarita with their meal. Dan Hurder, Twist and Boiler Room, said one of their signature cocktails includes 24 oz. of mix along with 8 oz. of alcohol, to purchase the ingredients at home would cost in excess of \$80 and it takes a certain skill set to prepare the drink in the correct proportions. This is the safe and responsible method of serving alcohol. Businesses need a longer period to adjust, but not permanent, just to help through this short term uncertainty.

Rick Carik, Rick's, said consider the time frame, 60 days ago it was business as usual, 30 days ago everything was a mess. Let's take changes slowly, just make the delivery with meals a temporary change. In some businesses people are starting to come back, even while they are maintaining social distancing. Commissioner Piepkorn said over time capacity will be increased, the CDC and Governor Burgum are changing recommendations.

Chief Todd commented he feels it is the city's responsibility to be adaptable, to change to help the businesses be successful. We should allow drink in a sealed container. When this is over we should go back to the structure we have had in the past, there is a reason for every license class. Chris Ohman said as a Health Prevention Coordinator he looks at compliance issues, how are we monitoring compliance if we are allowing delivery. Sprague said he felt we should allow spirits in sealed containers, should extend the time so businesses can make adjustments but should refrain from delivering to customers homes.

Jeff Thomas, Franks Lounge, said with the ability to do spirits there will be a ramp up time, we should extend 60 to 90 days out to allow for adjustments. Dan Hurder added that ordinance allows you to take home an opened bottle of wine, as long as you follow a set of guidelines, allowing cocktails would help a bit too. Randy Thorson said restaurants need some time to make creative adjustments. A lot can happen in 90 days.

Commissioner Piepkorn asked if there were any objections. Dustin Mitzel, Happy Harry's said they are in favor of helping bars & restaurants moving forward, a 60 to 90 extension would work. They find that bars & restaurants are the ones leading innovations, they introduce new products. He feels this should be temporary, nothing permanent.

Moved by Sprague, seconded by Ohman to recommend to the City Commission an extension of the moratorium to August 24, to allow spirits in addition to beer and wine but to no longer allow delivery of alcohol to individual homes, alcohol for curbside pick-up only. Commissioner Gehrig indicated he felt home delivery should continue. Motion passed on a 4 to 1 vote.

4. Sprague indicated that we are finally able to report the results of the liquor audits, 31 of 33 restaurants tested passed the food sales requirements. Twist had a second failure and SouthTown PourHouse had a first failure.

Dan Hurder from Twist said after the first failure they have tried a number of different ideas to boost sales, they started opening for lunch but didn't gain enough sales, they experimented with Sunday brunch but found they were selling even more alcohol. This could very well be the nail in the coffin. He said this is a sales mix, customers are willing to spend \$13 on a signature cocktail but don't want to spend \$10 for a burger. He is requesting a waiver so he can continue to improve his food rations, Attorney Morris indicated we have to follow the ordinance and can't just waive the requirements. She indicated sanctions can be appealed to the City commission.

Moved by Todd, seconded by Ohman to find Twist in violation of a second offence of the food percentage audit and follow the ordinance with a 30 suspension of alcohol sales. Motion carried.

Sprague explained SouthTown PourHouse has a business concept with Duane's pizza on their menu. The result of the liquor audit showed with Duane's pizza included the food percentage is 53% food 47% alcohol. If pizza sales are excluded the food percentage is 42% food 58% alcohol. In discussions with the licensee it is staffs determination the business agreement between the two businesses is not a partnership agreement rather it is a product sales and facility use agreement. Chief Todd asked if this agreement is a partnership. Attorney Morris responded the relationship is complicated but does not rise to the level of a true partnership. Some business models can prove to be difficult to meet the 50% food ratio so businesses will choose to acquire a license that does not require food sales.

James Cailao, with Vogel Law, representing SouthTown PourHouse, said his client has an FA license which requires 50% of revenues coming from prepared meals, to meet that requirement Duane's Pizza and SouthTown PourHouse share a kitchen, everything is located within the licensed premise. Duane's pizza is listed as a menu item on SouthTown's menu. The ratio of food to alcohol prepared in the shared kitchen is 53% food 47% alcohol. All sales taxes for the pizza sales are being paid by Duane's. Duane's on premise sales should count as the ordinance 25-1506 says main course meals prepared on the premise. He stated the City was aware of the relationship and they are meeting the intent of the ordinance. What are the options? Could the City grant a variance? How about an amendment to the ordinances? This is simply two businesses trying to co-exist and share space. There could be more businesses in the future looking for a creative business arrangement. The pizza is ordered and consumed on site. The food industry is a vital component to a thriving community. Any penalties applied at this time will be extremely difficult due to the Covid pandemic.

Chief Todd clarified the kitchen arrangements; Attorney Morris replied there is a facility use agreement that specifies the rent and other compensation.

Jeff Thomas, Frank's lounge, stated he has a Class Z license, he paid extra so he wouldn't have to be constricted by food sales. If you allow food from a non-related company to apply toward the food sales percentage, you risk devaluing the other licenses. Could someone attach a Subway to a bar and claim those sales as bar sales? If this is allowed you are moving in a dangerous direction. Dan Hurder said your policies need to be strong or you are just encouraging creative accounting. Chris Ohman, Public Health, said in their inspections they are two separate businesses with separate plan, separate owners, separate coolers. They have always been two separate businesses.

Moved by Sprague, seconded by Ohman to find SouthTown PourHouse in violation of the food sales requirement and that this be considered a first violation. Motion passed unanimously.

Both businesses were informed of their right to appeal the decision of the Liquor Control Board to the City Commission.

5. Sprague mentioned that Preston Nesemeier wanted to make everyone aware that in an effort to slow the spread of coronavirus and to adhere to recommended guidance for social distancing, Fargo Cass Public Health has temporarily suspended in-person server training classes and opened access to the online class. Servers needing to take the course or renew their current card can visit www.myservertraining.org Users must create an account and login to the My City of Fargo account system to register for the online training. After creating an account, please click on the 'Online Server Training Request' link to register and pay for the course. When it becomes possible, the online option will return to renewals only.

There being no further business to come before the Liquor Control Board, the meeting was adjourned at 2:47 p.m. **The next regular meeting will be held Wednesday, June 17, 2020 at 1:30 p.m. in the City Commission Room.**

Memo to Liquor Control Board
Dated: May 12, 2020
Nancy J. Morris, Assistant City Attorney

Re: Southtown Pourhouse Audit Recommendation

Northstar Hospitality, d/b/a Southtown Pourhouse ("Southtown"), was approved for a Class FA license on May 21, 2018. As you know, a Class FA license requires the licensee to hold a restaurant license and "which derives 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverage." FMC §25-1506(J)(1). This section further provides, "Main course menu items shall be fully prepared and cooked on the premises and shall not be primarily pre-packaged, pre-processed, or pre-prepared food products intended for fast or convenient service." "It is the intention of this restriction that the purpose of an "FA" license is to allow the sale of alcoholic beverages as an adjunct to the restaurant operation and not that of operating a full-time liquor establishment. A recipient of an "FA" license shall provide a full and complete kitchen adequate for the preparation of food as required by this ordinance. Such kitchen shall be subject to approval by the commission." FMC § 25-1506 (J)(4). Fargo Municipal Code further provides that "As part of the licensee's obligation that the licensee derive fifty (50%) or more of its annual gross receipts from the sale of prepared meals than from the sale of alcoholic beverages, as discussed in section 25-1504.2, the licensee shall retain and keep appropriate business records concerning purchase of food and alcoholic beverages and sales receipts for food and alcoholic beverages." FMC §25-1506(J) (6).

A complaint was made to the City Auditor in early April 2019 regarding the business practices of Southtown. In particular, the complainant questioned the use of Duane's House of Pizza, Inc. ("Duane's") pizza sales by Southtown in its food sales calculations to accomplish the 50% requirement. At that time, it was determined that the percentage food sales to be an audit issue, and that the issue would be flagged in the annual audit for further inquiry.

The audit completed on February 25, 2020, reflected a food to alcohol sales ratio of 53%/47%. The food sales information provided by Southtown to Brady Martz auditors specifically identified pizza sales separate from other foods sales. Without the pizza sales, the food to alcohol sales ratio is 47%, prompting further investigation. Several meetings were held between City Auditor Steve Sprague, Chad Klimek, Owner of Southtown, me, and later with counsel for Southtown.

Mr. Klimek provided a copy of a Product Sales and Facility Use Agreement between Northstar Hospitality, LLC and Duane's House of Pizza, Inc. (copy attached). The Agreement addresses several relevant facts to the consideration of the percentage of food sales. In particular, ¶5 of the Agreement, Facility Use, provides "The Premises includes two kitchen facilities: one for the exclusive use by Duane's and the other for the use by Northstar in its food operations." Further, ¶5 provides that "Duane's shall be deemed to lease said kitchen facilities during the term of this Agreement." ¶ 6, Compensation, provides that Duane's is obligated to pay a monthly rent for the use of the kitchen space, and that Northstar shall compensate Duane's for 90% of the retail price of the pizza served on the Southtown premises. The Agreement further provides that Duane's is responsible for the sales tax on all pizza's sold. Finally, the Agreement provides that if the

customer is not satisfied with the pizza, Duane's is responsible for addressing the customer complaint "in the form of Duane's gift cards, credit vouchers or the like, in the sole discretion of Duane's."

Duane's Pizza advertisement and business practices also appear relevant to the issue. On December 14, 2018, Duane's Facebook account made this announcement: "Great news! The Southtown Pourhouse will be open for dinner this evening starting at 4PM. They will be serving a limited menu, Burgers and Shareables, and our pizza will be available as well!" On December 16, 2018, Duane's posted: "In case you hadn't seen, we're sharing a building with the SouthTown Pourhouse- which means that you can hunker down at a table and enjoy a hot pie and a cold brew while watching the game, or just grab a quick beer while waiting to pick up your order!"

After careful consideration of the facts as presented, it appears that Southtown and Duane's are separate business entities independent of each other, and that the inclusion of Duane's pizza sales in the food sale requirement for the Class FA license held by Southtown is not in compliance with the license terms. Therefore, the required 50% food to alcohol ratio has not been met. Duane's is responsible for the cost of goods sold, pays the sales tax, operates out of its own kitchen, and is responsible for quality control. Duane's sells the pizza to Southtown at a discount, and then Southtown resells the pizza to the dine-in customer.

Based on the foregoing, it is the recommendation of the City Auditor that the Liquor Control Board find that Northstar Hospitality, LLC d/b/a Southtown Pourhouse has failed the audit requirement that food sales equal or exceed liquor sales for audit year 2019.

If this board finds that Southtown has failed the audit, the sanction for a violation of the food to alcohol sales ratio is outlined in FMC§ 25-1512 (F):

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

Penalties for failed audits shall be as follows:

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

probationary period. Yearly audits for the next two years to be paid for by the liquor licensee.

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

If this board recommends a sanction, the licensee may request a hearing by the board of city commissioners in accordance with FMC §25-1512 (G).

PRODUCT SALES AND FACILITY USE AGREEMENT

THIS AGREEMENT dated July 30th, 2018, is entered into by Duane's House of Pizza, Inc. and Northstar Hospitality, LLC, who together agree as follows:

1. **RECITALS.** For purposes of this Agreement:

- a. Duane's is a Fargo/Moorhead restaurant specializing in Pizza.
- b. Northstar is an alcohol establishment located in south Fargo, ND.
- c. Duane's and Northstar wish to set forth their agreement for the making and sale of Duane's Pizzas within the Northstar Premises.

2. **DEFINITIONS.** For purposes of this Agreement:

- a. "Agreement" shall mean this Product Sales and Facility Use Agreement between Duane's and Northstar.
- b. "Pizza" shall mean whole Pizza or Pizza by the slice.
- c. "Duane's" shall mean Duane's House of Pizza, Inc., a Minnesota corporation, whose mailing address is 2223 Highway 10 East, Moorhead, Minnesota 56560.
- d. "Northstar" shall mean Northstar Hospitality, LLC, a North Dakota limited liability company, whose mailing address is 4240 39th Avenue South, Fargo, North Dakota 58104.
- e. "Premises" shall mean the liquor establishment operated by Northstar located at 4281 45th Street South, Fargo, ND 58104.

3. **TERM.** The term of this Agreement shall be for a period of five (5) years commencing on the date that Northstar is first open to the public and Duane's is ready to operate its business in the Premises, with the opening to be mutually-agreed upon by the parties. The Parties agree that Duane's shall have the option to renew this Agreement for two (2) additional five (5) year terms, however such option is contingent upon Northstar renewing its lease on the Premises. If Duane's elects to exercise its option for an additional term, notice must be given to Northstar in writing at least six (6) months prior to the expiration of this Agreement. Duane's may terminate this Agreement with written notice to Northstar in event of the economic non-feasibility of the Duane's business operations planned at the Premises, in the sole determination of Duane's.

4. **PRODUCT SALES.** Duane's agrees to make Pizza, on demand, and on the Premises for the sale and consumption within the Northstar Premises according to the terms of this Agreement. Duane's may also on its own terms, sell and deliver Pizza to customers outside the Premises.

5. FACILITY USE. The Premises includes two kitchen facilities: one for the exclusive use by Duane's and the other for the use by Northstar in its food operations. Duane's shall be entitled to the exclusive use of its dedicated kitchen facilities within the Premises for Duane's operations. Duane's shall be deemed to lease said kitchen facilities during the term of this Agreement.

6. COMPENSATION. Duane's and Northstar agree that Duane's will determine the retail price for Pizzas produced by Duane's under the terms of this Agreement. Northstar is required to charge the retail price as determined and authorized by Duane's. The Parties further agree as follows:

a. During the term of this Agreement Duane's shall pay monthly rent to Northstar for the use of kitchen space to make and sell Pizzas in the amount of One Thousand Five Hundred and No/100ths (\$1,500.00) Dollars. Such rent shall be payable in advance on the first of each month. If either the first or last month of this Agreement is a partial month, such rent shall be prorated. In the event Duane's elects to extend this Agreement pursuant to paragraph 3 above, the rent during the term of the extension period shall be adjusted in proportion to any increases in rent that Northstar must pay its landlord for the Premises;

b. Northstar will pay to Duane's Ninety (90%) Percent of the retail price of each Pizza ordered and served on the Premises. On a daily basis after the close of business by Duane's, Duane's will prepare a reconciliation of the Pizzas delivered to Northstar, and accordingly Northstar will pay to Duane's the amount as calculated by this paragraph for Pizzas sold on the Premises;

c. Duane's shall pay any sales tax associated with the sale of Pizzas hereunder;

d. Duane's may sell and deliver Pizzas to its customers outside of the Premises in which Northstar shall not be entitled to any compensation for such sales; and,

e. Northstar shall pay Duane's on a weekly basis. Within seven (7) days of Northstar receiving the Sunday reconciliation for Pizzas sold from Duane's, Northstar shall pay that amount to Duane's. This continued arrangement of paying weekly and reconciling the Pizzas sold should continue each week during the term of this Agreement, unless otherwise agreed upon by the Parties in writing.

7. CUSTOMER COMPLAINTS. In the event that one of Northstar's customers complains about the quality of a Pizza prepared by Duane's hereunder, Duane's will correct the quality control issues and provide adequate compensation to the Northstar customers in the form of Duane's gift cards, credit vouchers or the like, in the sole discretion of Duane's.

8. INTELLECTUAL PROPERTY OF DUANE'S. During the terms of this Agreement, Duane's shall provide Northstar with a limited license to use the trademarks and name of Duane's for advertising on its promotional material located within Northstar and in advertising Northstar within the Fargo-Moorhead market in general, as may be approved in advance by Duane's.

9. EXCLUSIVITY. Parties further agree that Duane's Pizza will be the only and exclusive Pizza available for purchase at Northstar during the term of this Agreement. Northstar shall not offer for sale any other Pizza or Pizza products other than what can be purchased from Duane's.

10. SIGNAGE. Northstar shall allow Duane's to install signage on the exterior of the Premises advertising Duane's, in a form and manner mutually agreeable to the Parties, and consistent with the terms of the underlying lease agreement with the Landlord.

11. LANDLORD APPROVAL. Northstar represents and warrants that it has the authority to enter into this Agreement with Duane's, and that this Agreement does not violate the underlying lease for the Premises between Northstar and the landlord of the Premises. The undersigned landlord hereby agrees to the terms of this Agreement.

12. CONTINUATION OF OPERATIONS. In the event that Northstar ceases business operations on the Premises, Duane's may elect to continue this Agreement with Landlord directly, on the terms and conditions as provided in this Agreement. Landlord agrees that Duane's shall have the right to continue to use the kitchen facilities in the event that Northstar no longer conducts business operations on the Premises during the term of this Agreement.

13. OWNERSHIP OF EQUIPMENT. Duane's shall retain ownership of all equipment and fixtures installed by Duane's in the kitchen facilities for use by Duane's in performing this Agreement. Neither Northstar nor Landlord shall have any ownership interest in such equipment or fixtures installed by Duane's. The equipment and fixtures installed by Duane's shall not be subject to any secured interest. At such time as Duane's removes equipment or fixtures installed by Duane's in the Premises, Duane's shall make such repairs as necessary to restore the Premises to the condition at the beginning of this Agreement.

14. EMPLOYEES. Duane's shall use its own employees to staff its operations at the Premises.

15. ADMINISTRATION AND CONSTRUCTION. This Agreement shall be administered and construed in accordance with the following provisions:

a. Time. Time is of the essence of this Agreement. Any reference in this Agreement to time periods of less than six (6) days shall in the computation of such time exclude Saturdays, Sundays and legal holidays. Any reference in this Agreement to time periods of six (6) days or greater shall in the computation of such time include Saturdays, Sundays and legal holidays. Any time period provided in this Agreement which shall end on a Saturday, Sunday or legal holiday shall extend to 5:00 p.m. on the next full business day.

b. Captions. The captions on the paragraphs and subparagraphs of this Agreement are inserted only for the purpose of convenient reference. The captions shall not be used to construe or interpret the Agreement nor to prescribe the scope or intent of the Agreement.

c. Specific Performance. The parties stipulate that it is impossible to measure in money the damages which will accrue to a party to this Agreement by reason of a failure to perform any of the obligations under this Agreement. Therefore, if any party to this Agreement shall institute any action or proceeding to enforce the provisions of this Agreement, any person against whom such action or proceeding is brought hereby waives the claim or defense that such party has an adequate remedy at law. Such person shall not urge in any such action or proceeding the claim or defense that such remedy at law exists.

d. Severability. The invalidity or unenforceability of any particular provision of this Agreement shall not affect its other provisions. The Agreement shall be construed in all respects as if such invalid or unenforceable provision was omitted.

e. Entire Agreement. This Agreement constitutes the complete and entire understanding of the parties concerning the subject matter of this Agreement. Neither party shall be bound by or be liable for any statements, warranties, guarantees, or representations not set forth in this Agreement which may have been made by any broker, agent, employee or other person representing or purporting to represent a party to this Agreement.

f. Modification. No change or modification of this Agreement shall be valid unless the same be in writing and signed by all of the parties to this Agreement.

g. Execution in Counterparts. This Agreement may be executed in counterparts, each of which shall be considered as an original of the Agreement. All executed counterparts shall constitute, and shall have the force and effect, of one and the same document, and shall be binding upon those who execute the Agreement, regardless of whether all parties execute the same document.

h. Persons Bound by this Agreement. This Agreement shall be binding upon the parties and their successors in interest. The rights and obligations of any party to this Agreement may be exercised or satisfied by that party's legal representative.

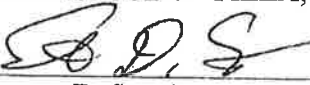
i. Governing Law. The provisions of this Agreement shall be governed by the laws of the State of North Dakota. Any dispute arising from this Agreement shall be venued in Cass County, North Dakota.

IN WITNESS WHEREOF, the parties have executed this Product Sales Agreement as of the day and year first above written.

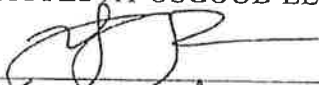
NORTHSTAR HOSPITALITY, LLC

By Chad Klimek
Chad Klimek, President

DUANE'S HOUSE OF PIZZA, INC.

By 
Steven D. Schultz, President

THE SHOPPES AT OSGOOD LLP, Landlord

By 
Kelly Zander, Managing Partner

3291128.4

SOUTHTOWN POURHOUSE/DUANES PIZZA

Profit & Loss

December 2018 through June 2019

Ordinary Income/Expense	Southtown Duanes		TOTALS	PBC
	Dec '18 - Jun 19	Dec '18 - Jun 19		
Income				
ATM Fee Income	\$ 12,366.00	\$ 12,366.00		
Beer Sales	\$ 407,411.06	\$ 407,411.06		
Discounts/Refunds	\$ (123.80)	\$ (123.80)		
Duane's Pizza's Commissions	\$ 14,628.44	\$ 14,628.44		
Food Sales	\$ 610,511.63	\$ 362,102.84	\$ 972,614.47	
Gaming/Rent Income	\$ 5,467.94	\$ 5,467.94		
Liquor Sales	\$ 443,377.21	\$ 443,377.21		
Misc. Income	\$ 2,564.40	\$ 2,564.40		
N/A Beverage Sales	\$ 15,197.05	\$ 15,197.05		
Rent Income	\$ 9,870.97	\$ 9,870.97		
Trade Income	\$ 100.00	\$ 100.00		
Total Income	\$ 1,521,370.90	\$ 362,102.84	\$ 1,883,473.74	
Cost of Goods Sold				
Beer Purchases	\$ 135,235.86			
Food Purchases	\$ 167,847.01	\$ 658,093.08	67.66%	
Liquor Purchases	\$ 91,555.24	\$ 608,368.65	71.51%	
Merchant Account Fees	\$ 33,167.82			
Mix Drink Purchases	\$ 16,628.52			
Redbull Purchases	\$ 3,520.10			
Total COGS	\$ 446,963.55	\$ 146,674.38	\$ 593,637.93	
Gross Profit	\$ 1,074,407.35		\$ 1,289,835.81	68.48%
Expense				
Donation	\$ 30.00			
Credit Card Processing	\$ (3,689.55)			
Travel Expense	\$ 4,130.53			
Advertising and Promotion	\$ 17,843.42			
Auto Expense	\$ 720.30			
Bank Service Charges	\$ 37.00			
Business Licenses and Permits	\$ 2,430.00			
Cash/Over Short	\$ 4,801.41			
Computer and Internet Expenses	\$ 2,750.43			
Contract Labor	\$ 5,976.20			
Dues and Subscriptions	\$ 9,360.11			
Insurance Expense	\$ 16,862.22			
Meals - Employee's	\$ 1,122.83			
Misc. Expense	\$ 2.40			
Office Supplies	\$ 9,071.64			
Payroll Expenses	\$ 481,580.53			
Postage	\$ 132.75			
Professional Fees	\$ 10,074.24			
Rent Expense	\$ 63,443.99			
Repairs and Maintenance	\$ 9,969.15			
Sales Tax Expense	\$ 14,479.11			
Supplies	\$ 67,562.98			
Telephone Expense	\$ 81.36			
Uniforms	\$ 0,901.72			
Utilities	\$ 29,873.21			
Total Expense	\$ 755,367.76			
Net Ordinary Income	\$ 319,039.59			
Other Income/Expense				
Other Expense				
Amortization Expense	\$ 3,836.40			
Interest Expense	\$ 18,087.77			
Depreciation Expense	\$ 190,385.18			
Total Other Expense	\$ 215,319.35			
Net Other Income	\$ (215,319.35)			
Net Income	\$ 103,720.24			

Including Duanes
 \$ 972,614.47 Food 53%
 \$ 850,788.27 Alcohol 47%
 \$ 1,823,402.74

Excluding Duanes
 \$ 910,859.27 Food 53%
 \$ 812,758.67 Alcohol 47%
 \$ 1,723,617.94



INDEPENDENT ACCOUNTANTS' REPORT
ON APPLYING AGREED-UPON PROCEDURES

To the City of Fargo

We have performed the procedures enumerated below, which were agreed to by the City of Fargo, on the review of compliance with liquor ordinance of selected licensees for the 12-month period ended June 30, 2019. City of Fargo's management is responsible for compliance with the liquor ordinance of the selected licensees for the 12-month period ended June 30, 2019. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures enumerated below either for the purpose for which this report has been requested or for any other purpose.

Our procedures are as follows:

- Test the compliance with the liquor ordinances for approximately 30 pre-selected licensees. The 33 selected and the type of license are as follows:

Acapulco Mexican Restaurant	F
Garden Pavilion	F
Marlin's Family Restaurant	F
Osaka Sushi & Hibachi	F
Mangos Mexican & American Grill	F
Lucy's North China Cuisine	F
Izumi Sushi & Hibachi All You Can Eat	F
Chipotle Mexican Grill	F
Izumi Sushi & Hibachi Buffet	F
Applebee's Neighborhood Bar and Grill	FA
Buffalo Wild Wings Grill & Bar	FA
Applebee's Neighborhood Grill	FA
Applebee's Neighborhood Grill & Bar	FA
Lucky's 13 Pub	FA
LongHorn Steakhouse #5432	FA
Luna Coffee	FA
Wild Bill's Sports Saloon	FA
The Tavern Grill	FA
SouthTown PourHouse	FA
Toasted Frog	FA-RZ
The Boiler Room	FA-RZ
Pounds	FA-RZ

Twist	FA-RZ
Rhombus Guys	FA-RZ-M
Leela Thai Cuisine LLC	GH
Samurai Japanese Cuisine	GH
Uncle Maddio's Pizza Joint	GH
Himalayan Yak	GH
Blaze Pizza	GH
Happy Joe's Pizza	H
Pizza Ranch	H
Panchero's Mexican Grill	H
Tavern at the Grotto	I

- Recalculating the percentage gross revenue from alcoholic beverages by recalculating a recent 12-month period (for example July 1, 2018 to June 30, 2019). F, FA, G, H, & GH licenses require 50% of gross receipts from prepared food, RZ licenses require 60% of gross receipts from prepared food, and I licenses (Entertainment) require 65% of gross receipts from prepared food or from goods related to the business of the place of amusement.
- We will obtain supporting records for the 12-month period to determine that the gross receipts are properly calculated and categorized between food and alcoholic beverages.
- For those licensees that are calculated to be within 5% of the 50/50 percentage, we will recalculate the gross profit margins from food and alcohol sales and compare to established averages to assist in providing reasonableness of the categorization of sales.

Our findings are as follows:

- Our tests indicate that 31 of the 33 licenses complied with the percentage food/alcohol beverage requirements of the ordinance. Uncle Maddio's closed November 26, 2019, and testing was not required per Steven Sprague of the City of Fargo. Twist had a food to alcohol sales ratio of 48%/52%. The requirement for their license is 50%/50%.
- The food and alcohol sales percentages for the SouthTown PourHouse were calculated at 53% and 47%, respectively. This is within the city requirements for their license. For those that are within 5% of the city requirements our procedures were to gather additional information on profit margins and compare to industry averages. Our firm subscribes to a national banking organization (Risk Management Association) that provides financial benchmarking for all industries. For the SouthTown PourHouse we used the NAICS code for Full-Service Restaurants with sales between \$1 million and \$3 million. The gross profit from food was 67.7%, gross profit from alcohol was 71.5%, and total gross profit for SouthTown PourHouse was calculated at 68.5%. The industry average for gross margins for Full-Service Restaurants lists gross margin at 61.8% but industry benchmarks do not break that down by food/alcohol. At the City's request additional testing was performed. When Duane's Pizza sales are excluded from SouthTown PourHouse sales, the food percentage drops to 42% and the alcohol percentage is elevated to 58%.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the review of compliance with liquor ordinance of selected licensees of the City of Fargo as of or for the 12-month period ended June 30, 2019. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the City of Fargo and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully,

A handwritten signature in black ink that reads "Brady Martz". The signature is written in a cursive, flowing style.

BRADY, MARTZ & ASSOCIATES, P.C.
FARGO, NORTH DAKOTA

February 25, 2020

City of Fargo Staff Report			
Title:	Boulger First Addition	Date: Updated:	5/28/2020 7/23/2020
Location:	113 and 123 10th Street South; 1013, 1015, and 1019 2nd Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 8-12, Block 15, Original Townsite to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Bba LLC/Boulger Funeral Home Inc./Houston Engineering	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (replat of Lots 8-12, Block 15, Original Townsite to the City of Fargo, Cass County, North Dakota.); Zoning Change from MR-3 Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial		
Status:	City Commission Public Hearing: July 27, 2020		
Existing		Proposed	
Land Use: Residential, commercial		Land Use: Commercial	
Zoning: GC, General Commercial and MR-3, Multi-Dwelling Residential		Zoning: GC, General Commercial	
Uses Allowed: <u>GC – General Commercial</u> . Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events <u>MR-3, Multi-Dwelling</u> allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.		Uses Allowed: GC—no change in allowed uses	
Maximum Building Coverage Allowed in GC: 85% Maximum Density Allowed in MR-3 24 dwelling units per acre		Maximum Building Coverage: 85%	
Proposal:			
The applicant requests two entitlements: <ol style="list-style-type: none"> 1. A minor subdivision entitled Boulger First Addition, which is a replat of Lots 8-12, Block 15, Original Townsite to the City of Fargo, Cass County, North Dakota 2. A zoning change from MR-3 Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial on the Boulger First Addition. Surrounding Zoning Districts and Land Uses: <ul style="list-style-type: none"> • North: GC with commercial uses • East: MR-3 with parking lot and residential uses • South: SR-2, Single Dwelling Residential with Cass County Government Building • West: MR-3 with residential uses 			

Area Plans:

The subject property is included in the Downtown In Focus plan. This plan includes a future land use plan that designates the area that includes the subject property as "Mixed Use." The designation would allow various combinations of retail and residential. The expansion of this existing service—a funeral home—would also be acceptable in this land use designation.

**Schools and Parks:**

Schools: The subject property is located within the Fargo Public School District, specifically within the Clara Barton/Hawthorne Elementary, Ben Franklin Middle and Fargo North High schools attendance areas.

Neighborhood: The subject property is located in the Downtown neighborhood.

Parks: The subject property is located approximately 0.25 miles west of Island Park, 616 1st Avenue South, which offers amenities of restrooms, concessions, and swimming pool.

Pedestrian / Bicycle: There are no on- or off-road pedestrian/bicycle/multi-use trails adjacent to the subject property.

Staff Analysis:

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.

PLAT: The plat will create two lots in one block.

ZONING: Four of the existing lots are zoned GC, General Commercial and one lot is zoned MR-3, Multi-Dwelling Residential. The zone change proposes to zone the entire area of the plat to GC, General Commercial.

PUBLIC WATER and SEWER: Public water and sewer will be provided in the dedicated public streets.

PROPOSED WAIVER OF CERTAIN RESIDENTIAL PROTECTION STANDARDS: If this project is approved, the entire property will be rezoned to GC, General Commercial. As this GC zoned-area will abut a residentially-zoned (MR-3) property, the Land Development Code's (LDC) Residential Protection Standards will apply. The applicant proposes to modify certain requirements of the RPS, specifically:

- Reduce the minimum setback from abutting side lot line (west property line) to seven feet to be consistent with the reduced landscape buffer; and
- Request waiver to allow parking spaces in the front setback within 50 feet of an MR-zoned lot (the lot adjacent to the west); and
- Reduce landscape buffer to seven feet in width based on a lot width of 70 feet in accordance with LDC Section 20-0704.E.4 "Waiver for Small Sites." A "Type A" residential protection buffer will be installed in the seven-foot wide side yard along the west edge of the parking expansion; the existing wood fence along the west property lines provides additional screening.

The RPS waiver is done administratively and is not part of the entitlements before the City Commission with this item. In fact, the applicant cannot apply for the RPS waiver until the project has been approved and the zone has changed. However, as the proposed modification of the RPS is part of the overall project design, staff felt note of it should be made at this time.

FINDINGS

Zoning

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 error in the zoning map as it relates to this property. The existing zoning on this property is GC, General Commercial and MR-3, Multi-Dwelling Residential. The proposed zoning is to change the MR-3 zoned portion of this property to GC, so the entire property is under one zoning designation. **(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. Lots in the subdivision will 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 a few inquiries from the public. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The proposed zone change is consistent with the Downtown in Focus future land use plan designation for this property. Staff finds this proposal is consistent with the purpose of the LDC and other adopted policies of the City. **(Criteria satisfied)**

Minor Subdivision

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

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

complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The subdivision is intended to replat the subject properties into two lots. The proposed zone change is consistent with the Downtown in Focus future land use plan designation for this property. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has a few inquiries from the public. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

2. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff, and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move to approve the 1) zone change from MR-3, Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial; and 2) the proposed plat of the **Boulger First Addition** as the proposal complies with the Go2030 Fargo Comprehensive Plan, Downtown in Focus plan, Standards of Article 20-06, Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: June 2, 2020

On June 2nd, 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 recommended approval to the City Commission of 1) zone change from MR-3, Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial; and 2) the proposed a plat of the **Boulger First Addition** as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Attachments:

1. Zoning map
2. Location map
3. Preliminary plat

Zone Change (MR-3 & GC to GC) & Plat (Minor)

Boulger First Addition

113 & 123 10th St S
1013, 1015 & 1019 2nd Ave S



113 & 123 10th St S
1013, 1015 & 1019 2nd Ave S

Boulger First Addition



BOLGGER FIRST ADDITION
BEING A REPLAT OF LOTS 8 - 12, BLOCK 15, ORIGINAL TOWNSITE
SECTION 7, T. 139 N., R. 49 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

OWNERS CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, That B&A LLC, a North Dakota limited liability company, and Boulder Funeral Home, Inc., a North Dakota corporation, are the owners and proprietors of the following described tract of land:
Lots 8, 9, 10, 11, and 12, Block 15, Original Townsite of Fargo, Cass County, North Dakota.
Said tract of land contains 35,000 square feet, more or less.
And that said parties have caused the same to be surveyed and re-platted as **BOLGGER FIRST ADDITION** to the City of Fargo, Cass County, North Dakota.

OWNERS

Lot 1:

B&A LLC

day of June, 2020

day of June, 2020

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FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this 2nd day of June, 2020

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OWNERS

Lot 1:

B&A LLC

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FARGO PLANNING COMMISSION APPROVAL

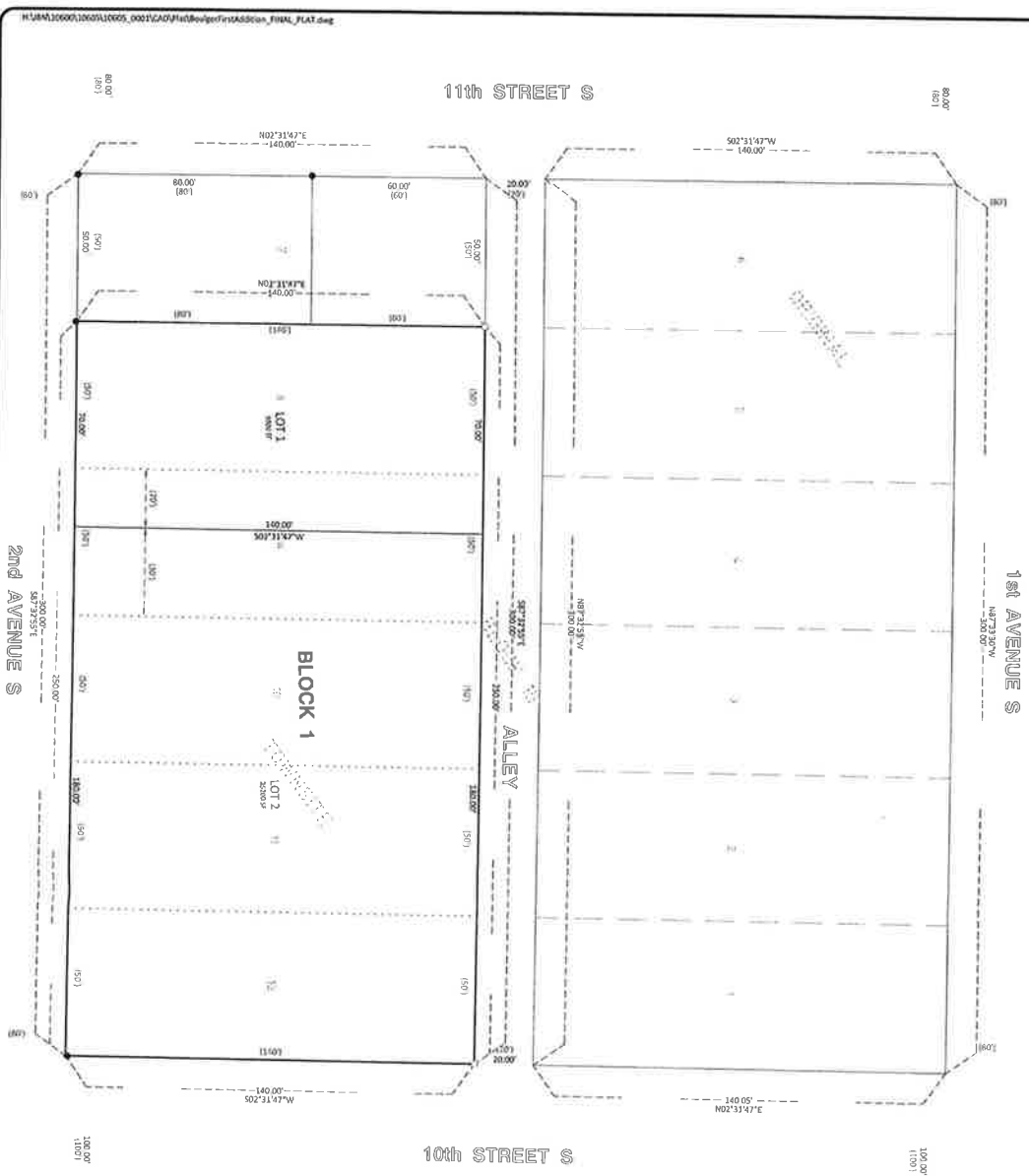
Approved by the City of Fargo Planning Commission this 2nd day of June, 2020

day of June, 2020

day of June, 2020

day of June, 2020

BOULGER FIRST ADDITION
BEING A REPLAT OF LOTS 8 - 12, BLOCK 15, ORIGINAL TOWNSITE
SECTION 7, T. 139 N., R. 49 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



- LEGEND**
- IRON MONUMENT FOUND
 - 1/4" I.D. PIPE SET
 - RECEIVED BEARING
 - PLAT BEARING
 - RECEIVED DISTANCE
 - PLAT DISTANCE
 - PLAT BOUNDARY
 - UTILITY EASEMENT
 - EXISTING LOT LINE
 - SUBMITTED LOT LINE
- BEARING SHOWN AND BASED ON THE
CITY OF FARGO MONUMENTAL DATA

HOUSTON
ENGINEERING INC.
Sheet 1 of 2
Project No. 10505-0001

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

44d2

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN BOULGER FIRST 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 Boulger First 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 27, 2020,

NOW, THEREFORE,

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

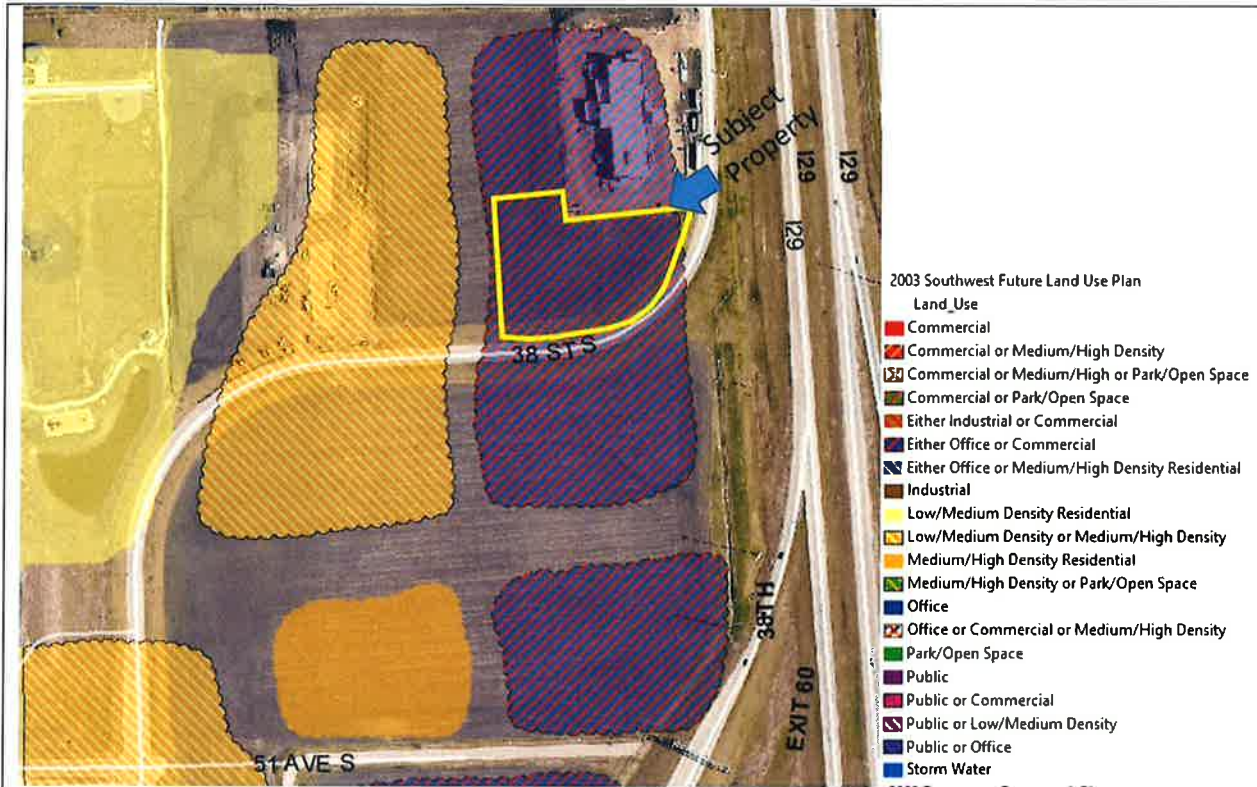
Section 1. The following described property:

All of Boulger First Addition to the City of Fargo, Cass County, North Dakota;
is hereby rezoned from "MR-3", Multi-Dwelling Residential, District and "GC", General Commercial, District to "GC", General Commercial, 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.



City of Fargo Staff Report			
Title:	Edition Third Addition	Date: Updated:	5/28/2020 7/23/2020
Location:	4803 and 4809 38th Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Part of Lot 1, and all of Lot 2, Block 1, Edition Second Addition to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	Edition Partners, LLC/Houston Engineering	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (replat of Part of Lot 1, and all of Lot 2, Block 1, Edition Second Addition to the City of Fargo, Cass County, North Dakota); Zoning Change from MR-3 Multi-Dwelling Residential to LC, Limited Commercial		
Status:	City Commission Public Hearing: July 27, 2020		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Commercial	
Zoning: MR-3, Multi-Dwelling Residential		Zoning: LC, Limited Commercial	
Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.		Uses Allowed: LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service.	
Maximum Density 24 dwelling units per acre		Maximum Building Coverage: 55%	
Proposal:			
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A minor subdivision entitled Edition Third Addition, which is a replat of Part of Lot 1, and all of Lot 2, Block 1, Edition Second Addition to the City of Fargo, Cass County, North Dakota 2. A zoning change from MR-3 Multi-Dwelling Residential to LC, Limited Commercial for all lots in the Edition Third Addition. <p>Surrounding Zoning Districts and Land Uses:</p> <ul style="list-style-type: none"> • North: MR-3 with multi-dwelling buildings; LC with medical facility • East: Not zoned; Interstate 29 right of way • South: GC, General Commercial; undeveloped • West: MR-3 with multi-dwelling buildings 			
Area Plans:			
<p>The subject property is included in the 2003 Southwest Future Land Use Plan, which designates the subject property as "Either Office or Commercial." The proposed LC, Limited Commercial zoning is included in this land use designation.</p>			
(continued on next page)			



Schools and Parks:

Schools: The subject property is located within the Fargo Public School District, and is served by Kennedy Elementary, Discovery Middle and Davies High schools.

Neighborhood: The subject property is located in the Woodhaven neighborhood.

Parks: Cottagewood Park is located approximately 0.25 mile northwest of the subject property, and offers the amenities of playgrounds for ages 2-5 and 5-12 and a shelter.

Pedestrian / Bicycle: There are no bicycle or pedestrian trails adjacent to the subject property, though a multi-use path that is a component of the metro area trail system can be accessed approximately 600 feet north of the subject property.

Staff Analysis:

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.

PLAT: The plat will create one lot in one block.

ZONING: The subject property is currently zoned MR-3, Multi-Dwelling Residential. The proposed zone change is to LC, Limited Commercial, as the applicant believes that the LC zoning allows will provide more flexibility for the development of these lots. The property is undeveloped.

CONDITIONAL OVERLAY: This plat includes a small portion of existing Lot 1, Block 1 of Edition Second Addition. This lot is covered by a conditional overlay, Ordinance No. 5045, that relates to a landscape buffer along the northern property line of that lot, and specification and prohibition of certain building materials. Approval of the proposed zone change will extinguish the C-O on the portion of the lot included in this plat, but the C-O will remain in effect for the rest of the lot.

PUBLIC WATER and SEWER: Public water and sewer will be provided in the dedicated public streets.

NOTE ON APPROVAL MOTION: Note that the approval motion makes the approval contingent on
1. technical review;

2. applicant completing any required revisions of the plat; and
3. final approval of the City Engineer.

Staff rarely recommends conditional approvals. In this case, the conditional approval is recommended due to some timing complications in the review process that this project encountered. The City Commission need not take any further action once the contingent approval motion is approved. Staff will verify compliance with the contingencies and record the plat when the contingencies have been met.

FINDINGS

Zoning

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 error in the zoning map as it relates to this property. The existing zoning on this property is MR-3, Multi-Dwelling Residential. The proposed zoning is LC, Limited Commercial. The LC zoning designation is consistent with the land use designation for this property in the 2003 Southwest Future Land Use Plan as noted above. The applicant believes that the LC zoning allows will provide more flexibility for the development of these lots. **(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 lot created by this subdivision will 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 no comment or inquiry from the public. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2003 Southwest Future Land Use Plan. As noted in the "Area Plan" section above, the "Either Office or Commercial" land use designation of that plan has been applied to this area. The proposed LC zoning is consistent with that land use designation. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Minor Subdivision

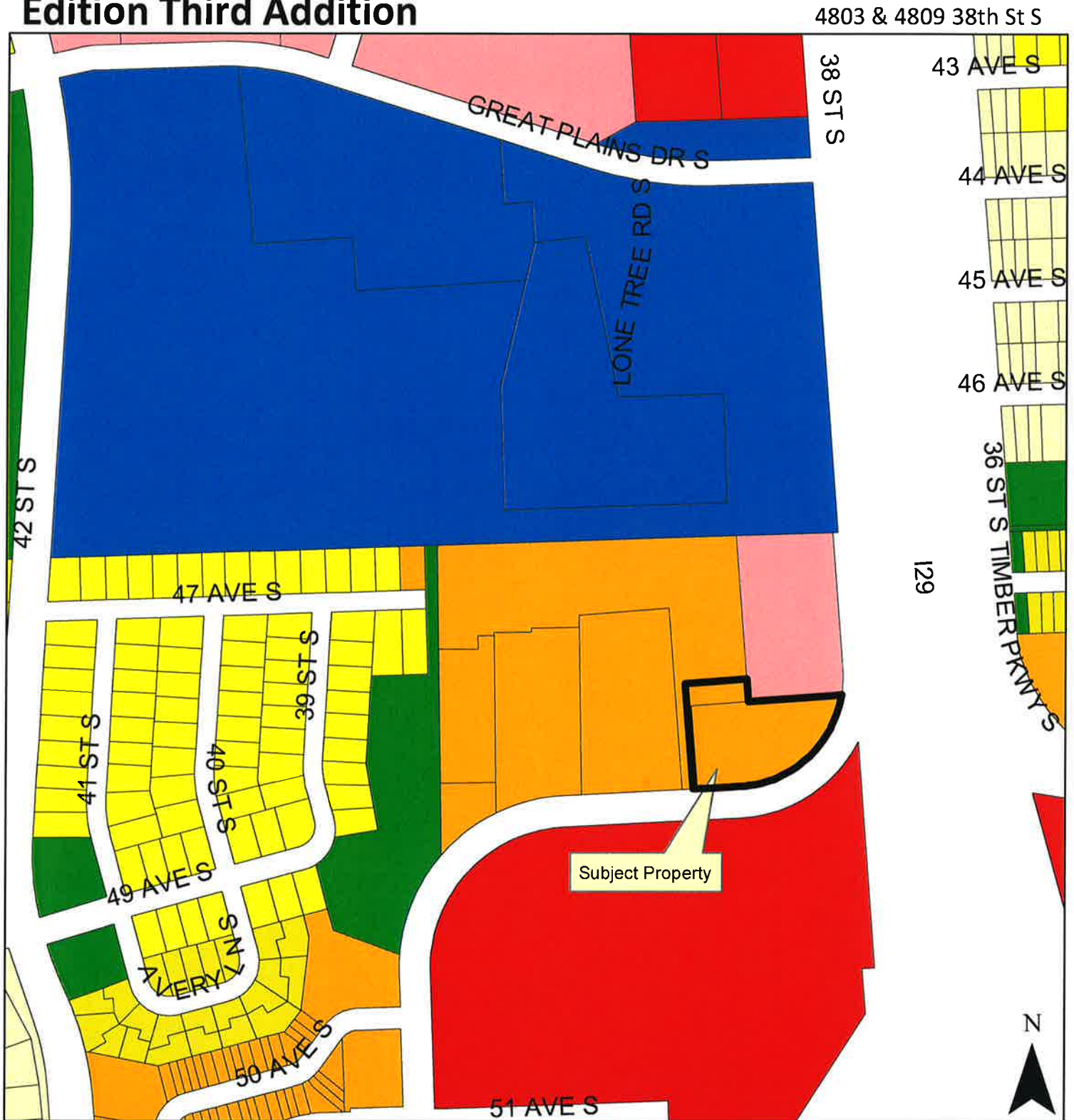
The LDC stipulates that the following criteria is met before a minor plat can be approved:

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

<p>The subdivision is intended to replat the subject properties into one lot to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received two inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. (Criteria Satisfied)</p>
<p>2. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.</p> <p>While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. (Criteria Satisfied)</p>
<p>Staff Recommendation:</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 1) zone change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial and 2) plat of the Edition Third Addition; as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Land Use Plan, Standards of Article 20-06, Section 20-0906.F (1-4) and all other applicable requirements of the LDC, contingent on 1) technical review 2) applicant completing any required revisions of the plat and 3) final approval of the City Engineer."</p>
<p>Planning Commission Recommendation: June 2, 2020</p>
<p>On June 2nd, 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 recommended approval to the City Commission of the proposed 1) zone change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial and 2) plat of the Edition Third Addition; as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Land Use Plan, Standards of Article 20-06, Section 20-0906.F (1-4) and all other applicable requirements of the LDC.</p>
<p>Attachments:</p>
<ol style="list-style-type: none"> 1. Zoning map 2. Location map 3. Preliminary plat

Zone Change (MR-3 to LC) & Plat (Minor)

Edition Third Addition



Legend



Zone Change (MR-3 to LC) & Plat (Minor)

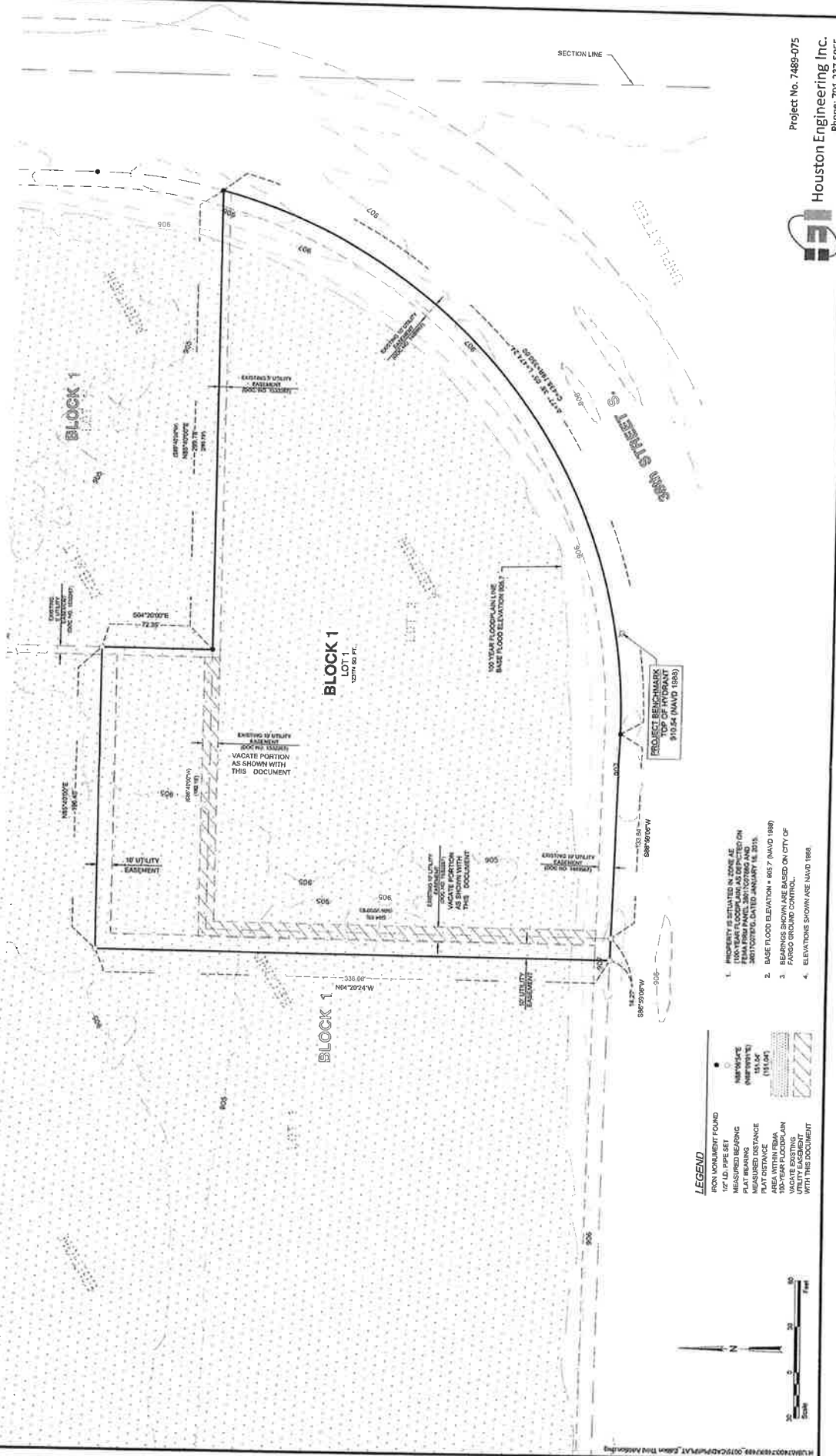
Edition Third Addition

4803 & 4809 38th St S



EDITION THIRD ADDITION

**A MINOR SUBDIVISION
BEING A REPLAT OF LOT 2 & PART OF LOT 1, BLOCK 1, EDITION SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA**



Project No. 7489-075
Houston Engineering Inc.
Phone: 701.237.5065



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

442

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
2 LYING IN THE PROPOSED EDITION THIRD ADDITION
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
5 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
6 parcels of land lying in the proposed Edition Third Addition to the City of Fargo, Cass County,
7 North Dakota; and,

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

10 WHEREAS, the rezoning changes were approved by the City Commission on July 27,
11 2020,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 All of the Edition Third Addition to the City of Fargo, Cass County, North Dakota;
16 is hereby rezoned from "MR-3", Multi-Dwelling Residential, District to "LC", Limited
17 Commercial, District.

18 Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his
19 office so as to conform with and carry out the provisions of this ordinance.
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21
22
23

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.

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5
6 (SEAL)

Timothy J. Mahoney, M.D., Mayor

7 Attest:

8
9
10 _____
Steven Sprague, City Auditor


First Reading:
Second Reading:
Final Passage:



(45)

MEMORANDUM

TO: FARGO CITY COMMISSION

FROM: JIM GILMOUR, STRATEGIC PLANNING DIRECTOR 

DATE: JULY 22, 2020

SUBJECT: REQUEST FOR TAX INCREMENT FINANCING

The City of Fargo received a request for Tax Increment Financing (TIF) for a proposed project to be located southeast of 6th Avenue North and Oak Street. A copy of the request is attached.

The block is mostly vacant. There is one 4-unit apartment building and a single-family rental house that are occupied. Three vacant houses are in poor condition and not suitable to occupy. Two houses and a small apartment building were demolished 3 or 4 years ago because of their poor condition, and that land has remained vacant.

The proposed project would redevelopment of the site, demolishing the existing buildings and preparing the site for redevelopment. The plan is to construct a building of about 130 housing units, with the top floor being about 14 condominiums.

The site appears to have blighted conditions, need for infrastructure and the need to remove debris prior to redevelopment. Tax Increment Financing may be needed for the redevelopment of this site. The property is zoned DMU that allows high-density residential.

Fargo TIF policy calls for the City Commission to review the request to determine if staff should proceed to work with the developer on a renewal plan, and forward an application to the City financial advisors for review.

RECOMMENDED MOTION: Authorize staff to submit a TIF application to the financial advisor for review, prepare a renewal plan and a development agreement for redevelopment of property southeast of 6th Avenue North and Oak Street.

Attachments



P: 701.478.4300

1 2ND STREET N STE. 102
FARGO, ND 58102

enclavecompanies.com

July 21, 2020

Jim Gilmour
Director of Strategic Planning and Research
City of Fargo
225 4th St N
Fargo, ND 58102

RE: Craig's Oak Grove Second Addition Redevelopment

Dear Mr. Gilmour,

In accordance with the City of Fargo's Tax Exempt Review Committee Policy and Guidelines, Enclave Development, LLC in collaboration with Craig Development, LLC politely requests support to move forward with the Tax Increment Financing (TIF) application process from the Fargo City Commission. The subject property, legally described as Lot 2 Block 1 Craigs Oak Grove 2nd Addition, is located at the fringe of downtown Fargo and the charming Oak Grove neighborhood. The property is currently zoned Downtown Mixed-Use (DMU).

The promotion of infill development is the number two ranked priority within the Fargo Go2030 Comprehensive Plan. The City of Fargo has reviewed redevelopment proposals for this parcel of land since 2003, when the first multifamily project was proposed. Since that time various developers have attempted to redevelop the site but have been unsuccessful. The obstacles in developing this site include poor soils, floodway proximity, unbuildable land area, levee construction, demolition of existing structures, Oak St improvements, and acquisition costs. The development is projected to cost +/- \$24.5M and will not otherwise occur but for the assistance provided through TIF.

The planned development on this parcel includes a mix of high quality rentable multifamily units (+/- 117) and top floor condominiums (+/- 14) with sufficient at-grade and underground parking. The owner-occupied condominiums help create a strong long-term community while also generating significant growth in tax base. This development is expected to be a catalyst for future developments and improvements in the area.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Gleason".

Tim Gleason, Development Manager
Enclave Development, LLC

A handwritten signature in black ink, appearing to read "Austin Morris".

Austin Morris, CEO
Enclave Development, LLC

A handwritten signature in black ink, appearing to read "Jesse Craig".

Jesse Craig, CEO
Craig Development, LLC

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



46

July 23, 2020

Board of City Commissioners
City Hall
Fargo, ND 58102

RE: Application for Abatement or Refund of Taxes, Scheels All Sports Inc.

Dear Commissioners:

Attached is Application for Abatement or Refund of Taxes prepared by Stephanie Nyhus of Ducharme, McMillen & Associates (DMA). The application is for the Scheels All Sports property at 1551 45 St S and is requesting that the valuation for 2018 be reduced from \$28,286,000 to \$25,397,000.

The applicant asks that:

"The assessor decreased the market value for the 2020 assessment for taxes payable 2021 due to correcting the property characteristics and a change in the model. We request the same changes be made for the 2018 assessment for taxes payable in 2019."


The application is dated May 20th, 2020, and was received from Cass County on June 1st, 2020. In recent days, we have obtained new information related to recent financing of the property; and comparable leases used for analysis.

This new information could have an impact on our recommendation to the City Commission. We are requesting that the application hearing be continued to the August 10th meeting. The appellant has agreed to this continuance.

SUGGESTED MOTION:

Continuation of the Application for Abatement Or Refund of Taxes submitted by Stephanie Nyhus of Ducharme, McMillen & Associates on behalf of Scheels All Sports Inc. on 1551 45 St S to the August 10th, 2020 meeting of the City Commission.

Sincerely,


Michael Splonskowski
Fargo City Assessor

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

RECEIVED

State of North Dakota

Assessment District City of Fargo

JUN 1 2020

County of CassProperty I.D. No. 01-7640-00100-000Name Scheels All Sports Inc

Telephone No.

FARGO ASSESSOR

Address 4550 15th Ave S, Fargo, ND 58103WITHOUT COUNTY
FILE #

Legal description of the property involved in this application:

Lot 1, Block 1 Scheels All Sports Center AdditionTotal true and full value of the property described
above for the year 2018 is:

Land \$ 5,464,000
 Improvements \$ 22,822,000
 Total \$ 28,286,000
 (1)

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

Land \$ 5,464,000
 Improvements \$ 19,993,000
 Total \$ 25,397,000
 (2)

The difference of \$ 2,889,000.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ Date of purchase: 2005
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) New Construction
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
 yes/no
2. Has the property been offered for sale on the open market? No If yes, how long?
 yes/no
 Asking price: \$ _____ Terms of sale: _____
3. The property was independently appraised: No Purpose of appraisal:
 yes/no
 Market value estimate: \$ _____
 Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is \$ 25,397,000
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that The assessor decreased the market value for the 2020 assessment for taxes payable in 2021 due to correcting the property characteristics and a change in the model. We request the same changes be made for the 2018 assessment for taxes payable in 2019.

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

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

Stephanie Nyhus
 Signature of Preparer (if other than applicant)

5/19/2020
 Date

Signature of Applicant

Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

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

Dated this _____ day of _____, _____

City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.

Approved/Rejected

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

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

Dated _____

County Auditor

Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

Application For Abatement
Or Refund Of Taxes

Name of Applicant

Scheels All Sports, Inc.

County Auditor's File No.

4487

Date Application Was Filed
With The County Auditor

6/1/2020

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

6/1/2020

(must be within five business days of filing date)



47a

July 16, 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 2102 12 St N as submitted by Brickstone Plaza LLP. 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.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$10,965 with the City of Fargo's share being \$1,865.

Sincerely,

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

Mike Splonskowski
City Assessor

bsb
attachment

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

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

Property Identification

1. Name of Property Owner	<u>Brickstone Plaza LLP</u>		Phone No.	<u>701 306 7649</u>
2. Address of Property	<u>2102 12th 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>Lot: 4 Block: 3 A: Sport</u> <u>1st S 125' LT 4 BK 3 SP LIT 12/29/95 FR 01-0010-00152-000 & 01-0010-00155-000</u>			
4. Parcel Number	<u>01-0010-00151-00</u>	Residential <input checked="" type="checkbox"/>	Commercial <input checked="" type="checkbox"/>	Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	<u>PO Box 1826</u>			
City	<u>Fargo</u>	State	<u>ND</u>	Zip Code <u>58107</u>

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 main floor and</u> <u>and renovate story above.</u>	
7. Building Permit No.	<u>1908-0674-ADD</u>	8. Year Built <u>1982</u>
9. Date of Commencement of making the improvement	<u>9-27-2019</u>	
10. Estimated market value of property before improvement	\$ <u>280,000</u>	
11. Cost of making the improvement (all labor, material and overhead)	\$ <u>750,000</u>	
12. Estimated market value of property after improvement	\$ <u>1,030,000</u>	

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature <u>[Signature]</u>	Date <u>6-26-2020</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 _____



476

July 10, 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 4401 Main Ave as submitted by Ole Rommesmo. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$37,000 with the City of Fargo's share being \$6,300.

Sincerely,

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

Mike Splonskowski
City Assessor

bsb
attachment

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

Property Identification

1. Name of Property Owner	Ole Rommesmo	Phone No.	701-373-7781
2. Address of Property	4401 Main Ave		
City	FARGO	State	ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	SPRAGUES LT 6 LESS SLY 10' FOR HWY R/W; LT 7 LESS E 115' OF S 383' LESS R/W & LT 8 LESS R/W **8-8-08 COMB FRM 01-2880-00070-000 & 01-2880-00071-000		
4. Parcel Number	01-2880-00071-000	Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Central Business District <input type="checkbox"/>	
5. Mailing Address of Property Owner	702 13th Ave E		
City	West Fargo	State	ND Zip Code 58078

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).	We are planning on remodeling an existing building that houses both office and manufacturing operations. We will also be doing a remodel on an existing office building.		
7. Building Permit No.	Unknown	8. Year Built	Around 1986
9. Date of Commencement of making the improvement	August, 2020		
10. Estimated market value of property before improvement	\$	5,000,000	
11. Cost of making the improvement (all labor, material and overhead)	\$	2,700,000	
12. Estimated market value of property after improvement	\$	8,000,000	

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature	Date 7/8/20

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



(476)

July 10, 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 701 North University as submitted by 701 Brew. 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 \$58,500 with the City of Fargo's share being \$9,900.

Sincerely,

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

Mike Splonskowski
City Assessor

bsb
attachment

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

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

Property Identification

1. Name of Property Owner 771 River Phone No. 701-793-1975

2. Address of Property 701 North University
City FARGO State ND Zip Code 58103

3. Legal description of the property for which the exemption is being claimed. The West Half of Lot One in Block Seven, of Harwood's Addition to the City of Fargo, Situated in Cass County in ND.

4. Parcel Number 01-122-0070-000 Residential ☐ Commercial ☐ Central Business District ☒

5. Mailing Address of Property Owner 824 E 4th St South
City Fargo State ND Zip Code 58103

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). Restoring original Resner laundromat building, and adding addition to create a Family Friendly Restaurant

7. Building Permit No. _____ 8. Year Built _____

9. Date of Commencement of making the improvement 9/12/2019

10. Estimated market value of property before improvement \$ 450,000

11. Cost of making the improvement (all labor, material and overhead) \$ 4 million

12. Estimated market value of property after improvement \$ 3 million

Applicant's Certification and Signature

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

Applicant's Signature _____ Date 9/21/19

Assessor's Determination

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

Assessor's Signature _____ Date _____

Action of Governing Body

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

Approval subject to the following conditions: _____



47d

July 10, 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 1010 18 Ave S as submitted by John & Randa Meyer. 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 \$70 with the City of Fargo's share being \$10.

Sincerely,

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

Mike Spionskowski
City Assessor

bsb
attachment

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

Property Identification

1. Name of Property Owner	John & Randa Meyer		Phone No.	701-799-7409
2. Address of Property	1010 18 Ave S			
City	FARGO	State	ND	Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	Lt 2, Blk 1, Harry A Schnell			
4. Parcel Number	01-2660-00020-000	Residential	<input checked="" type="checkbox"/>	Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	Same			
City		State		Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	New siding Gv Hous & soff.it	
7. Building Permit No.	19110735	8. Year Built 1959
9. Date of Commencement of making the improvement	November 2019	
10. Estimated market value of property before improvement	\$ 255,700	
11. Cost of making the improvement (all labor, material and overhead)	\$ 5,129 -	
12. Estimated market value of property after improvement	\$ 266,600 260,829	

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature	Date 7/7/20

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 _____

LCG, Inc

dba ABC Seamless
3001 Fiechtner Drive • Fargo, ND 58103
701.293.5952 • 800.732.6577
www.abcseamless.com

**STATEMENT**

DATE	12/31/2019
ACCOUNT NUMBER	MEYER14

DATE	12/31/201
ACCOUNT NUMBER	MEYER14

If you have any questions regarding this statement, please contact you local
ABC Seamless office

1

Aberdeen, SD 800.568.6651
Bismarck, ND 800.269.5182

TO INSURE PROPER CREDIT
PLEASE CHECK THOSE ITEMS
BEING PAID IN THE "✓"
COLUMN AND RETURN THIS
PORTION OF THE STATEMENT
WITH YOUR PAYMENT.

RANDA & JOHN MEYER

1010 18TH AVENUE S

FARGO ND 58103

REFERENCE	DATE	CODE	DESCRIPTION	AMOUNT	BALANCE	REFERENCE	CODE	AMOUNT	✓
75218	12/6/2019	SLS	SOF/FASC, GUTT, DWNS	\$5,129.00	\$5,129.00	75218	SLS	\$5,129.00	
RECPT0091447	6/10/2019	PMT	SOF/FASC, GUTT, DWNS	(\$400.00)	\$4,729.00	RECPT009144	PMT	\$4,729.00	
<p>PD 1/7/20 # 11672</p>									
TERMS: NET DUE UPON RECEIPT									
IF PAYMENT HAS BEEN FORWARDED PLEASE DISREGARD THIS STATEMENT.									

CODES	C-CR MEMO D-DR MEMO	P-PAYMENT I-INVOICE	A-DISCOUNT ALLOWED	F-FINANCE CHARGE	W-WARRANTY B-BALANCE	C/R-CASH REFUND S-SERVICE/REPAIR	PLEASE PAY	TOTAL
							\$4,729.00	\$4,729.00
CURRENT	30 DAYS	60 DAYS	90 DAYS					
\$0.00	\$0.00	\$0.00	\$0.00					

LCG, Inc
dba ABC Seamless
3001 Fiechtner Drive



47e

July 9, 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 66 18 Ave N as submitted by Ronald & Alice Mastrud. 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 \$550 with the City of Fargo's share being \$90.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Haley".

James Haley
Deputy 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 Ronald & Alice Matusch Phone No. (701) 237-9844

2. Address of Property 66-15th Ave N

City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed. Lot 24
Block 4 McDermotts

4. Parcel Number 01-1890-00730 - Residential ☒ Commercial ☐ Central Business District ☐

5. Mailing Address of Property Owner 2900 Calico Dr S Unit 1A

City FARGO State ND Zip Code 58104

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). Brace remodeling, insulate, electrical, finish basement, new flooring, doors, trim, new floor with updated bathroom

7. Building Permit No. 1910-0263-REN 8. Year Built 1952

9. Date of Commencement of making the improvement Jan 2020

10. Estimated market value of property before improvement \$ ~~195,900~~ 195,900

11. Cost of making the improvement (all labor, material and overhead) \$ 45,000

12. Estimated market value of property after improvement \$ ~~235,500~~ 234,100

Applicant's Certification and Signature

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

X Applicant's Signature Ronald Matusch Date 7/18/2020

Assessor's Determination

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

Assessor's Signature [Signature] Date 7/9/2020

Action of Governing Body

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

Approval subject to the following conditions:

Chairman of Governing Body _____ Date _____



47f

July 8, 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 1420 18 St S as submitted by Charles Mielke Sr. 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 \$75 with the City of Fargo's share being \$15.

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>Charles Mielke J Sr</u>	Phone No.	<u>701-7933177</u>
2. Address of Property	<u>1420 18 St S</u>		
City	<u>FARGO</u>	State	<u>ND</u> Zip Code <u>58103</u>
3. Legal description of the property for which the exemption is being claimed.	<u>Pt of Lt 2, Sally Hilleboe</u>		
4. Parcel Number	<u>01-1240-00390-000</u>	Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>	
5. Mailing Address of Property Owner	<u>Same</u>		
City		State	Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	<u>Remove/Replace roof with trusses</u>
7. Building Permit No.	<u>20020401</u>
8. Year Built	<u>1960</u>
9. Date of Commencement of making the improvement	<u>February 2020</u>
10. Estimated market value of property before improvement	<u>\$ 188,600</u>
11. Cost of making the improvement (all labor, material and overhead)	<u>\$ 27,604.33</u>
12. Estimated market value of property after improvement	<u>\$ 194,300</u>

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature	<u>Charles Mielke Jr.</u> Date <u>7-3-2020</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 _____



4769

July 8, 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 1544 3 Ave S as submitted by Daniel Wahl. 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 \$275 with the City of Fargo's share being \$45.

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>Daniel Wahl</u>	Phone No.	<u>(701) 318-4029</u>
2. Address of Property	<u>1544 3 Ave S.</u>		
City	<u>FARGO</u>	State	<u>ND</u> Zip Code <u>58103</u>
3. Legal description of the property for which the exemption is being claimed.	<u>Lot 11 Bk 2 Case, Peake, and Hall</u>		
4. Parcel Number	<u>D1-0340-00170-000</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>When purchased the basement walls were caving in and it sat empty for some time. We dug the whole basement out.</u>
7. Building Permit No.	<u>NIA</u>
8. Year Built	<u>1922</u>
9. Date of Commencement of making the improvement	<u>01/17/2017</u>
10. Estimated market value of property before improvement	<u>\$ 152,400 - \$ 67,000</u>
11. Cost of making the improvement (all labor, material and overhead)	<u>Several thousand - Mostly do it yourself.</u>
12. Estimated market value of property after improvement	<u>Improvement still being made and I don't have the expertise to answer that question.</u>

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature <u>Daniel Wahl</u> Date <u>7-2-20</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 _____

Page 66
and straightened the walls, cemented them in place
and installed 4" steel I-beams to hold the walls in place.
We also installed drain tile and sump pump. The furnace
was shot so installed new furnace. Still need to hook
up the central air, as we have it but money is tight.
The kitchen is shot and needs replacing as well, but
money is tight. The bathroom is being remodeled ~~and~~ as
we speak. The plumbing is in need of repair but money
is tight. ~~and~~ The ground outside ~~the house~~ has been
landscaped and grass seeded after all the work.
also put in new side walk ~~which~~ which was dangerous ~~at the~~
~~as~~ as it was crooked and decrepid. Also took
out large tree which was causing issues as it was too
close to the house. There is a ~~family~~ family of 6 living here
which is my son and his family they have very little
money and I bought the house so they would have
a place to live and they ~~are struggling~~
~~struggle~~ struggle to make it. I get no rent as
they are doing the fixing. There still needs
to be a garage built. I'm doing all I can to help and
need a break on taxes as I have no money as I
live on disability. Thank you!

David White



476

July 10, 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 1730 14 St S as submitted by Bruce & Jolene Karvold. 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 \$60 with the City of Fargo's share being \$10.

Sincerely,

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

James Haley
Deputy 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>Bruce & Jolene Karvold</u>	Phone No.	<u>218-236-0530</u>
2. Address of Property	<u>1730 14 St S</u>		
City	<u>FARGO</u>	State	<u>ND</u> Zip Code <u>58103</u>
3. Legal description of the property for which the exemption is being claimed.	<u>Lt 19, Blk 2, Bohnsacks 1st</u>		
4. Parcel Number	<u>01-0161-00280-000</u>	Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>	
5. Mailing Address of Property Owner	<u>4213 Rivershore Dr</u>		
City	<u>Moorhead</u>	State	<u>MN</u> Zip Code <u>56560</u>

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>Vinyl siding, new soffit, fascia & gutters</u>
7. Building Permit No.	<u>20040205</u>
8. Year Built	<u>1955</u>
9. Date of Commencement of making the improvement	<u>April 2020</u>
10. Estimated market value of property before improvement	\$ <u>129,100</u>
11. Cost of making the improvement (all labor, material and overhead)	\$ <u>10,575</u>
12. Estimated market value of property after improvement	\$ <u>133,600</u>

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature <u>[Signature]</u> Date <u>7-8-2020</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 <u>[Signature]</u> Date <u>7/10/2020</u>


Action of Governing Body

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



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR 

DATE: JULY 22, 2020

RE: HUMAN RELATIONS COMMISSION REPORT OF ACTION TO INCLUDE STATEMENT OF INTENT, JUNETEENTH HOLIDAY, AND 2020 WORK PLAN.

The Human Relations Commission has been involved in the ongoing community actions and discussions brought forward by concerned individuals and organizations such as WeAreOne (formerly "OneFargo") and Black Lives Matter. This report summarizes actions taken or recommended by the HRC at its last two meetings, including: approving the WeAreOne Statement of Intent, recommending Juneteenth as a holiday, and adopting the 2020 work plan.

Beginning in early June, community organizers and local government representatives identified a need for ongoing dialog and frequent information sharing with the community. The effort included representatives from WeAreOne, the City of Fargo Mayor's Office, and the cities of West Fargo and Moorhead. The parties collaborated on drafting a Statement of Intent, which is a pledge to this coordinated metro-wide effort as well as recognition of the additional work needed. The Human Relations Commission unanimously approved this Statement of Intent on July 16 and recommended its approval by the Fargo City Commission. Staff understands additional coordination will need to occur with West Fargo and Moorhead leadership.

On June 18, the HRC held its first meeting since the outbreak of the pandemic. While each HRC meeting holds a space open for public comment, the June 18 meeting was particularly well-attended and resulted in an hour and a half of public dialog. Over a dozen comments and questions were raised (a summary is attached). One of the comments was a call for the recognition of Juneteenth as a holiday. During the meeting, the HRC unanimously approved Juneteenth be recognized as a holiday.

The Human Relations Commission adopted its 2020 work plan at its July 16 meeting. The work plan is the result of strategic planning efforts which began in early 2019. The Planning Department conducted strategic planning sessions with the assistance of a consultant to update the Commission's mission and vision statements. Once this work was complete, Planning staff assisted the HRC in drafting a work plan through consensus building. The plan was ready to be adopted earlier in 2020 but was delayed due to the pandemic.

Attached for review is the Statement of Intent, June 18 HRC meeting public comment summary, and the HRC 2020 work plan.

The Planning Department is making the following recommendations:

Recommendation 1:

To accept the recommendation from Human Relations Commission to approve the Statement of Intent as coordinated with WeAreOne.

Recommendation 2:

To recognize the recommendation from Human Relations Commission to create Juneteenth as a holiday and to support further work with city leaders, members of the community and Human Relations Commission to further explore the details of how the holiday is recognized.

Recommendation 3:

To approve the Human Relations Commission 2020 work plan and priorities.

STATEMENT OF INTENT & AGREEMENT

“WeAreOne”

THIS STATEMENT OF INTENT & AGREEMENT is made and entered into by and between the CITY OF FARGO, a North Dakota municipal corporation (hereinafter “Fargo”), the CITY OF MOORHEAD, a Minnesota municipal corporation (hereinafter “Moorhead”), the CITY OF WEST FARGO, a North Dakota municipal corporation (hereinafter “West Fargo”), and the organizers of OneFargo (hereinafter “OneFargo”).

Acknowledging the Past

The cities of Fargo, Moorhead, and West Fargo acknowledge the past. There is a deep and complex history in the United States that has disproportionately – and at many times negatively – impacted members of our communities and citizens of this country. Fargo, Moorhead, and West Fargo acknowledge this past and pledge our steadfast commitment to ensuring the lessons learned from this past in our country, region, and cities are never forgotten.

Understanding the Present

The Fargo-Moorhead-West Fargo metropolitan community acknowledges recent national, regional, and local events in 2020 that have contributed to fractures in relationships between community members. Specifically, the event of May 30, 2020 serves as a reminder of our shared responsibility, as members of the community and citizens of Fargo, to bring its people together. At this time, more than ever, the metropolitan area requires healing and significant social change to bring our community back together and make it a better place for all of its citizens, regardless of race or national origin.

A Commitment to a Stronger, Unified Future

Unifying Fargo, Moorhead, and West Fargo, by bringing people together and committing to genuine, lasting social change, are the guiding principles of “WeAreOne”. In this regard, WeAreOne is not about a single moment in time, but rather a sincere commitment to ongoing dialogue, open communication, and trust building in the community.

NOW, THEREFORE, based upon these premises and mutual covenants herein stated, it is hereby agreed:

Section 1. Establishment of WeAreOne. For the purposes of communication, trust building, and productive future dialogue, the parties agree to establish the WeAreOne initiative. WeAreOne will serve as an organizing framework and venue to bring together the voices of governmental leaders in Fargo, West Fargo, and Moorhead with those from the historically underrepresented African American community of the metropolitan area.

Section 2. Regular Meetings.

- WeAreOne will meet regularly to identify topics of mutual interest in the community, particularly as they pertain to Black, Indigenous, and People of Color (BIPOC) including but not limited to:

- Community policing
- Safety
- Outreach, communications, and inclusion
- Economic opportunities

- Meeting agendas and discussion topics will be developed jointly by the organizers of OneFargo and the cities. Through a collaborative process, the committee members of WeAreOne will direct focus and attention on issues that are important for the community at large to discuss.

Section 3. Reports. Good faith efforts shall be used to communicate the progress of WeAreOne to the constituencies of the entities, including the Fargo City Commission, Moorhead City Council, West Fargo City Commission, the Fargo Human Relations Commission, and the greater metropolitan community. The WeAreOne initiative will continue in effect so long as the parties mutually consent and agree to dialogue through this framework.

Section 4. Effective Date of Statement of Intent & Agreement. This Statement of Intent & Agreement shall be deemed effective June 5, 2020.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

OneFargo Organizers

By: _____

By: _____

By: _____

By: _____

CITY OF FARGO, a North Dakota municipal corporation

By: _____

Timothy J. Mahoney, M.D., Mayor

ATTEST:

Steven Sprague, City Auditor

CITY OF MOORHEAD, a Minnesota municipal corporation

By: _____

Johnathan Judd, Mayor

ATTEST:

Christina Volkers, City Manager

CITY OF WEST FARGO, a North Dakota municipal corporation

By: _____
Bernie Dardis, Commission President

ATTEST:

Tina Fisk, City Administrator

June 18, 2020
Public Comment Opportunity – Summary Table

Question	Action or Follow-Up Item	Action to Date Summary
TOPIC: FARGO POLICE DEPARTMENT POLICIES		
Why are there no body cameras in the Fargo Police Department?		
When will trainings for police take place that are more comprehensive than cultural diversity or “handling” people of color?		
Is there a way a police officer could anonymously report a colleague if they have a concern about their behavior?		
What are local policies about chokeholds and no-knock warrants?		
Does the gang task force still exist? What is the background of police department’s involvement?		
What is the police’s use of force policy and practices? What are the standards, how does that compare to other police departments?		
What does training look like for School Resource Officers? What are the policies? Who are contracts with? How can parents voice concerns?		
TOPIC: BUILDING TRUST BETWEEN COMMUNITIES OF COLOR AND THE POLICE AND GOVERNMENT		
How can the Fargo Police Department hire more people who are representative of the community? Can there be a Community Police Officer, someone who can translate and help immigrants feel more comfortable with police?		
How can trust be built between the police and the community?		
How can investigations of the Fargo Police Department or its officers be conducted independently?		

What does transparency in the Fargo Police Department, and local government generally, look like?

How can government and police leadership engage the community on issues such as feeling unwelcome or feeling uncomfortable with police?

How can local government engage student associations for students of color (for example the NDSU Black Student Association) in community conversations?

TOPIC: RACIAL DISPARITIES IN JUSTICE AND POLICING

What is being done about over-policing in black communities?

What is being done about frequent traffic stops on immigrants?

Why is there a racial disparity with the juvenile justice system in the Fargo area?

What is the racial disparity in bail bonds locally?

How can we include identities that intersect with race in the conversation, such as LGBTQ+?

TOPIC: MOVING TO ACTION

How can we move beyond having a conversation about these issues, and move to action?

What does it look like for us to have a state holiday of Juneteenth, rather than just a celebration of Juneteenth?

How can we act with urgency and intention to disparities in our community?

What changes need to be made short, mid, and long term to improve inclusion at every level of our lives, society, and government? How can this process be accountable? What laws are needed at the state and national level to back this work?

How can the Fargo Human Relations Commission take action on its good intentions?

How can we engage K-12 education on these topics and issues?

2020 Work Plan

Fargo
Human
Relations
Commission

Work Plan Framework

Goal 1: Create a more inclusive community via formally protected rights.

Strategy: Discrimination Complaint Audit

Goal 2: Increase and promote diversity, equity, inclusion, and anti-discrimination practices within City government.

Strategy: Bias Assessment Tool

Goal 3: Promote and grow community-wide efforts related to advancing diversity, equity, inclusion, and anti-discrimination.

Strategy: Inclusion & Equity Study

Strategy: Strategic Programming & Events

Goal 1:

**Create a more
inclusive community
via formally
protected rights.**

Discrimination Complaint Audit

Outcome: A clear process for the public and staff to follow when instances of discrimination occur.

Audit discrimination complaints in order to inventory the procedural steps available to the public leading to an inventory or database in order to obtain data and evidence of discrimination.

Who:

Multiple parties to conduct the work in phases. Conduct the work in subcommittees with volunteers with staff assistance.

Why:

Procedurally we need to be able to communicate to public members about the tools we have so that we can better understand roles and accountability. We also need to understand if we need better tools to identify room for improvement or change.

How:

Through audits and "secret shoppers" we can collaborate with our partners in police, state agencies, federal agencies, local non-profits and citizen groups.

When:

Monitor project quarterly. Sub-group meets and collaborates monthly through a board member liaison.

Discrimination Complaint Audit

Work Plan Items

- Hold task force kick-off meeting to assign tasks and establish timeline.
- Organize data in Human Relations “Discrimination Inquiries” digital folder

Research & interview community partners to gather information such as historical complaint data, complaint processing and referrals, outreach strategies, and gaps in recourse and enforcement options for discrimination complaints.



Potential organizations or agencies include:

Freedom Resource Center	High Plains Fair Housing
ND Legal Services	Fargo Police
State Bar Association	Somali Community Development
ACLU	ND. Dept. of Labor and Human Rights
FirstLink	

- Research and interview best practices by similar cities to learn how they process and archive discrimination complaints; what enforcement tools they have; and what is working or not.

Moorhead, MN	Grand Forks, ND
Sioux Falls, SD	Minneapolis, MN

- Create flow chart demonstrating which complaints are best suited for which community resources, as the system currently exists. Create communication plan for general public to understand this process.
- Summarize findings on gaps in the current system, if any. How effectively do complaints get resolved? How aware is the public on the processes available?
- Draft report summarizing task force recommendations on which data archiving, complaint processing, communications, and/or enforcement tools the City of Fargo should implement.

Goal 2:

Increase and promote diversity, equity, inclusion, and anti-discrimination practices within City government.

Bias Assessment Tool

Outcome: Implement a bias/multicultural assessment tool within City departments.

A bias assessment tool identifies an individual's and organization's ability to operate in a multicultural setting and identifies areas for improvement.

Implementation of an assessment tool across City government would provide for better understanding of where we are with these best practices as an organization and brings opportunities for education and awareness.

Who:

Invite non-profits, government agencies and experts in our community to introduce these tools and collaborate with city leaders for use within the City of Fargo organization. City staff led in conjunction with board member liaison as champion/leader and city commissioner liaison.

Why:

By learning where our barriers are we can identify opportunities for change and improvement for a stable workforce that is representative of the community it serves. It can also be a demonstrative tool for our community partners.

How:

Invite leaders and knowledge experts in the community and from the HRC to demonstrate these tools to city leadership. Partner with local non-profits, local universities and local employer groups to lead in subject matter.

When:

Monitor project quarterly. Sub-group meets or reports back monthly and collaborates back to the HRC through a board member liaison.

Bias Assessment Tool

Work Plan Items

- Hold task force kick-off meeting to assign tasks and establish timeline.
- Identify Fargo-area organizations that have utilized a multicultural or bias assessment tool.
- Identify the most appropriate person(s) at these organization who are the most knowledgeable about the organization's use of the tool.

Interview representatives of the companies identified in the previous step to gather information such as the particular assessment tool used; cost of the

- assessment; scale of the assessment within their organization; what goals did the organization have in implementing the assessment; results of using the tool; etc.

Compile the findings as "case studies." This case study report should be made available to the public so other companies in the Fargo area can understand the value of a multicultural assessment tool and follow-up training.

- Analyze the case study findings to learn the types of multicultural assessments available and what goals and priorities are best met by certain assessment tools.

Work with City of Fargo Department of Human Resources to advocate for the

- importance and value of a multicultural assessment tool implemented across all City of Fargo departments.

Work with City of Fargo department heads and other key governmental

- stakeholders to understand their goals and priorities with implementing a bias or multicultural assessment tool.

- Implement the use of the assessment as a "pilot study" within Planning.

- Scale implementation of the assessment within more City of Fargo departments.

Goal 3:

Promote and grow community-wide efforts related to advancing diversity, equity, inclusion, and anti-discrimination.

Inclusion & Equity Study

Outcome: Adopt a community-wide Welcoming Plan.

A welcoming and belonging-visioning plan that is created and adopted by year end 2021. The welcoming plan serves as a citizen led strategic plan for confirming a holistic embracement towards citizen belonging and citizen led community development.

Who:

Staff led through consultant and academic knowledge experts. Partnering with private foundation sponsorship and national expertise for the purpose of a strategic plan that is representative of community members' vision for Fargo.

Why:

A strategic plan focused on belonging and welcoming provides an opportunity for messaging and communication based on citizen focused needs to align city and public agency with the community-at large.

How:

Staff will craft a specific work plan through partnership with a consultant. To include creative strategies and unique and customized public engagement.

When:

Weekly staff meetings, bi-weekly subcommittee work, and monthly reporting to HRC.

Inclusion & Equity Study

Work Plan Items

- Bring together like minded groups who are taking on similar initiatives.
- Establish unique city's perspective to differentiate between the other interest groups (if needed).
- Bring forward priorities of the Kresge Foundation grant and other initiatives funding priorities.
- Create an awareness building symposium highlighting local leaders and knowledge experts for community wide conversation.
- Highlight city initiatives through public arts demonstrations.
- Highlight communication messaging.
- Conduct survey and needs assessment.
- Align messaging with MLK Event, and other city supported initiatives.
- Work with City and peer agencies on messaging.
- Through needs assessment integrate priorities into city-wide work plan.

Strategic Programming and Events

Outcome: Sustainable community events with a clarified role for the Human Relations Commission.

Coordinate with partners to determine future of annual cultural programming and events and strategize City of Fargo's and HRC's role in cultural programming and annual events.

Who: Board member led with staff support. Collaborating with Pangea, Cultural Resources Diversity Center, Police, Fargo Health, State agencies, and other community groups.

Why: Clarify roles of board members, liaisons and community needs as we grow into a larger city with more complex issues. Identify roles for the City, HRC, board member and staff as we collectively serve as partner, leader, or sponsor contemplating the larger metropolitan area and limited resources.

How: With a subcommittee of HRC members and staff support identify methodology for evaluating and recommending future structure for considerations. Inventory, schedule and strategize City of Fargo's and HRC's role in cultural programming and annual events. Determine sustainable and adaptable community structures based on standardizing roles (apart from individual personal roles and commitments) as best as possible. Itemize methods for supporting partners for their sustainability as well.

When: Report monthly or as needed to the HRC. Recommend future changes for consideration in 2020 and 2021.

Strategic Programming & Events

Work Plan Items

- Hold task force kick-off meeting to assign tasks, establish timeline, and identify key interview questions.
- Research City of Moorhead and City of West Fargo's level of involvement and funding in cultural events and possibly interview staff/officials.
- Interview program planners of local cultural programming and events to understand an organization or event's strengths, weaknesses, opportunities, and threats. Example events or organizations could include:

Pangea
Welcoming Week
MLK Day

Native American Festival & Education Series
Multi-Ethnic Summer Picnic
Community Table

- Interview the Mayor on his priorities for City involvement with cultural programming.
- Define criteria for possible tiers of involvement for City of Fargo, e.g. Primary Leader/Partner/Sponsor/Booth Runner. Criteria examples include:
 - 1) Impact: How well does the event directly execute the HRC's specific goals?
 - 2) Public Relations/Reach: How valuable is it to have City of Fargo's name attached to this event? How many people does it reach? Is it an audience that otherwise wouldn't know about HRC?
 - 3) Public Feedback: How possible is it for City/HRC to use this event to gather direct feedback from citizens on their needs? Is it an audience that otherwise wouldn't know about HRC?
 - 4) Equity: How equitable is access to the event? Who is the audience year after year?
- Using these criteria, complete attached ranking chart to evaluate the best level of involvement for the City of Fargo in each local cultural event for 2021 into foreseeable future.
- Draft short paper to summarize findings, criteria rankings, and recommendations.