

FARGO CITY COMMISSION AGENDA
Monday, July 3, 2017 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at 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.; and are also included in our video archive at FargoND.gov/citycommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, June 19, 2017).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 6/19/17:
 - a. Rezoning Certain Parcels of Land Lying in Part of the Northeast Quarter of Section Twenty-Two (22), Township One Hundred Thirty-Nine (139) North, Range Forty-Nine (49) West of the Fifth Principal Meridian.
 - b. Rezoning Certain Parcels of Land Lying in Cottagewood Third Addition.
- 2. Applications for Games of Chance:
 - a. FM AM Rotary Club for a sports pool from 9/11/17 to 2/4/18.
 - b. St. Anthony of Padua Church for a raffle and bingo on 9/24/17.
 - c. Elim Rehab and Care Center for a raffle on 10/5/17.
 - d. North Dakota Autism Center, Inc. for a raffle on 9/9/17.
 - e. Fargo Angels Hockey Club for a raffle on 12/2/17.
- 3. Request from CHARISM to hang banners in the skyway from August 1st to August 11th to promote Over the Edge.
- 4. Bid rejection for the sale of land in Tyler's Addition and re-advertise the land for sale.
- 5. 2017 Community Development Block Grant and HOME Partnership allocations from the US Department of Housing and Urban Development.
- 6. Sale of Neighborhood Stabilization Program property at 1406 16 1/2 Street South for \$194,900.00
- 7. Sole source procurement with Christianson's Business Furniture in the amount of \$29,708.64 for meeting room furniture at the FARGODOME.
- 8. Notice of Grant Award Amendment in the amount of \$50,000.00 from the ND Department of Health for enhanced services to increase breastfeeding rates and to reduce overweight and obesity programs (CFDA #93.994).
- 9. Agreement for Services with Sargent, Ransom, Richland, Steele and Traill Counties District Health Units to assist in a full-scale Point of Dispensing (POD) exercise.

10. Notice of Grant Award with the ND Department of Health in the amount of \$12,000.00 for the family planning depression screening program.
11. Notice of Grant Award with the ND Department of Health in the amount of \$80,000.00 for Regional Environmental Services-State Aid.
12. Contract for Provision of Environmental Health Services for Ransom, Sargent, Steele and Traill Counties Public Health Units.
13. Notice of Grant Award from the ND Department of Health in the amount of \$132,153.00 for the Local Public Health Unit Tobacco Prevention and Control Program.
14. Notice of Grant Award from the ND Department of Health for State Aid to local Public Health Units.
15. Purchase of Service Agreement with ND Department of Human Services, Behavioral Health Division for substance abuse prevention.
16. Notice of Grant Award from the ND Department of Health for increasing ND's adult immunization rates (CFDA #93.539).
17. Budget adjustment in the amount of \$65,000.00 to develop a Strategic Plan for the Library.
18. First Amendment to Agreement and Release with the Cass Rural Water Users District related to the Red River Valley Water Supply Project wholesale water rate and nomination.
19. Amendment No. 1 to Right of Entry to Construct and Lease Agreement with Northland Hospitality, LLC for site accessibility and easement purposes.
20. Bid award for structural firefighting turnout gear.
21. Bid award for one articulated wheel loader (RFP17142).
22. Bid award for outdoor warning sirens (RFP17165).
23. Contract Amendment No. 3 for an increase of \$108,795.00 for Project No. FM-15-B0.
24. Contract Amendment No. 4 for an increase of \$130,021.00 for Project Nos. FM-14-61, FM-14-62 and FM-14-63 (aka 6229).
25. Bid advertisement for Project No. EP-17-A.
26. Task Order with Wenck Associates, Inc. and sole source procurement with Northern Technologies in the amount of \$23,900.00.
27. Bid award for one high dump street sweeper (RFP17153).
28. Sole Source Procurement for vendor specific parts from Spartan Chassis, Swanston Equipment Corporation, Sanitation Products, Nelson International and New Flyer Industries.
29. Bid award for Project No. SN-17-A1.
30. Bills.
31. Amended Engineer's Report for Improvement District No. UN-15-B.

32. Request from Northern Improvement Company for permission to work Sundays on Improvement District No. BR-17-E1.
33. Memorandum of Offer to Landowners for temporary easements for Improvement District No. BR-17-C1:
 - a. Fargo Gateway Center.
 - b. Ferny Holdings LLC.
 - c. Wells Fargo Bank N.A.
34. Change Order No. 1 for an increase of \$27,776.00 for Improvement District No. PN-15-N1.
35. Change Order No. 3 for an increase of \$9,048.20 for Improvement District No. BN-15-K1.
36. Final Balancing Change Order No. 1 for a decrease of \$8,830.49 for Improvement District No. BN-16-L1.
37. Final Balancing Change Order No. 3 for an increase of \$722.93 for Improvement District No. PN-15-L1.
38. Final Balancing Change Order No. 3 for a decrease of \$49,532.20 for Improvement District No. UR-15-B1.
39. Final Balancing Change Order No. 2 for a decrease of \$5,453.63 for Improvement District No. UN-15-M1.
40. Bid award for Improvement District No. AN-17-A1, BR-17-G1, NR-17-B and TN-16-F1.
41. Contracts and Bonds for Improvement District Nos. AN-17-C1 and AN-17-E1.

REGULAR AGENDA:

42. State Water Commission Requests for Cost Reimbursement for FM Diversion Flood Project Costs:
 - a. Costs totaling \$301,262.00.
 - b. Costs totaling \$396,025.00.
43. Public Hearings - 5:15 pm:
 - a. Special assessments of sewer repairs.
 - b. Special assessment of nuisance abatement fees.
 - c. Transfer of a Class "FA-Golf" Alcoholic Beverage License from RBT Investments, LLC d/b/a 9 Iron Bar & Grill to BCZ Osgood Holdings, LLC d/b/a 9 Iron Bar & Grill at 4400 Clubhouse Drive South.
 - d. Transfer of a Class "AB" Alcoholic Beverage License from Douglas DeMinck d/b/a The Nestor to Mom's Kitchen Inc. d/b/a Tailgators Sports Café at 1322 Main Avenue.
 - e. Morton & Doty's Addition (1345 University Drive South); approval recommended by the Planning Commission on 6/6/17.
 - a. Zoning Change from Change from LC, Limited Commercial to LC, Limited Commercial with a PUD, Planned Unit Development Overlay.
 - b. 1st reading of rezoning Ordinance.

- c. Planned Unit Development Master Land Use Plan.
 - f. Schatz 4th Addition (5600 and 5650 34th Avenue South, 3501 56th Street South and 5621, 5631 and 5651 36th Avenue South); approval recommended by the Planning Commission on 6/6/17.
 - a. Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on Lot 2, Block 1, and a request to repeal and reestablish a C-O, Conditional Overlay on Lots 1-4, Block 1.
 - b. 1st reading of rezoning Ordinance.
 - g. Urban Plains by Brandt (4680, 5100, and 5101 28th Avenue South; 4651 and 4845 30th Avenue South; 5298 31st Avenue South; 4543 and 4737 32nd Avenue South; 2911 45th Street South; 2640, 2660, 2720, 2740, 2760 and 2780 47th Street South; 3180 49th Street South; 3023, 3057, 3079 and 2701 51st Street South; 2633 and 2867 55th Street South; 2907, 2915, 2949, 2975, 3037 and 3151 Seter Parkway South; 3050 and 3155 Brandt Drive South; and 4574 Urban Plains Drive South); approval recommended by the Planning Commission on 6/6/17.
 - a. Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lot 1, Block 4, Lots 2-4, Block 5, and Lots 3-4, Block 8, Urban Plains by Brandt 1st Addition; Lots 2-3, Block 1, Lot 2, Block 2, Lot 1, Block 3, Lots 2-3, Block 5, and part of Lot 1, Block 5, Urban Plains by Brandt 2nd Addition; Lots 5-6, Block 1, Urban Plains Medical Park Addition; Lots 7-10, Block 1, Urban Plains Retail Addition; Lots 1-3, Block 3 and Lot 1, Block 4, Urban Plains Center Addition; Parts of Lots 3-4, Block 1, Urban Plains Northeast Retail Addition; and Lots 2-3, Block 1, Urban Plains Northeast Retail 2nd Addition.
 - b. 1st reading of rezoning Ordinance.
 - h. Renewal Plan Amendment for the C-1 Tax Increment Financing District (1st Ave South on the south, Broadway on the west, 4th Street on the east and 1st Ave North on the north).
 - i. Renewal Plan Amendment for the Great Northern Depot Tax Increment Financing District (small parcel to be removed from the District is 412 5th Street North).
44. Recommendation for appointments and reappointments to the following Boards and Commissions:
- a. Historic Preservation Commission.
 - b. Human Relations Commission.
 - c. Civil Service Commission.
 - d. Parking Commission.
 - e. Special Assessment Commission.
45. Construction Projects Update.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 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 web site at FargoND.gov/citycommission.

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Finance Office

P.O. Box 2083
200 3rd Street North
Fargo, North Dakota 58107-2083
Phone: 701-241-1333
Fax: 701-241-1526

TO: BOARD OF CITY COMMISSIONERS

FROM: KENT COSTIN, DIRECTOR OF FINANCE *KSC*

RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL

DATE: June 16, 2017

The existing legislation in place for State Water Commission funding related to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project requires that the Fargo City Commission, Cass County Commission, and the Cass Water Resource Board approve all payment reimbursement requests prior to their submission and ultimate payment.

The attached reimbursement request has been prepared by Finance staff and is ready for processing. Your approval of the request for funds is hereby requested as required.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$301,262.

June 16, 2017

Garland Erbele, P.E.
North Dakota State Water Commission
900 East Boulevard Avenue, Dept 770
Bismarck, ND 58505-0850

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #44 pursuant to the terms and conditions of House Bill 1020 for costs incurred from May 1, 2017 to May 31, 2017 on the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$301,262.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$163,930,356	\$602,524	50%	\$301,262	\$146,268,382

Project Narrative, this request:

Project Number	Project Description
V01701	Residential relocation assistance for homeowners living in the staging area
V02805	Pay Application #28 for WP 42A.1/A.3, 4 th St Pump Station and Gatewell and 2 nd Street Floodwall South
N/A	Land purchased for Diversion Channel Phase 1A

We certify that \$74,626,164 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in HB 1020. Copies of their approval letters are included.

If you have any questions relating to our request, please contact me directly.

Sincerely,

Kent Costin

Kent Costin
Director of Finance, City of Fargo
Metro Flood Diversion Authority

Required Local Approvals:

City of Fargo

Cass County Commission

Cass County Joint Water Resource Dist.

FM Metropolitan Area Flood Risk Management Project
Summary of Cash Disbursements Eligible for SWC Funding
May 2017

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7930-429.67-11	5/31/2017	278305	CASS COUNTY JOINT WATER RESOURCE DI	149,000.00	DAVID AND SHARON CAMPBELL	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.67-11	5/31/2017	278305	CASS COUNTY JOINT WATER RESOURCE DI	158,000.00	ROGER & MELISSA CAMPBELL	V01701	ND LAND PURCH-OUT OF TOWN
			Total LERRDS - North Dakota - Residential Buildings	307,000.00			
790-7950-429.73-52	5/17/2017	277955	INDUSTRIAL CONTRACT SERVICES INC	290,403.22	4 ST PUMP ST & 2 ST FLOOD	V02805	PUMP STATION & FLOODWALL
			Total ND Construction - Flood Control	290,403.22			
			Total Expense	597,403.22			
			Land - From Local Match Spreadsheet	5,121.18			
			Total Expense for Period	602,524.40			

42b

Finance Office

P.O. Box 2083
200 3rd Street North
Fargo, North Dakota 58107-2083
Phone: 701-241-1333
Fax: 701-241-1526

TO: BOARD OF CITY COMMISSIONERS
FROM: KENT COSTIN, DIRECTOR OF FINANCE *KC*
RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL
DATE: June 19, 2017

The existing legislation in place for State Water Commission funding related to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project requires that the Fargo City Commission, Cass County Commission, and the Cass Water Resource Board approve all payment reimbursement requests prior to their submission and ultimate payment.

The attached reimbursement request has been prepared by Finance staff and is ready for processing. Your approval of the request for funds is hereby requested as required.

As requested previously by the City Commission, the costs related to the Oxbow Hickson Bakke levee are being presented separately from the rest of the Metro Flood Diversion expenses. This request includes only the OHB levee related costs for May 2017.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$396,025.

June 19, 2017

Garland Erbele, P.E.
 North Dakota State Water Commission
 900 East Boulevard Avenue, Dept 770
 Bismarck, ND 58505-0850

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #45 pursuant to the terms and conditions of House Bill 1020 for costs incurred on the OHB Levee project from May 1, 2017 to May 31, 2017. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$396,025.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$164,231,618	\$268,071	100%	\$268,071	
		255,907	50%	127,954	
		\$523,978		\$396,025	\$145,872,357

Project Narrative, this request:

Project Number	Project Description
V01701	Pay Application #3 for WP 43E.2D – Residential Demolition – Schnell Drive and Riverbend Road
V02411	Residential relocation assistance for homeowners that will be displaced by the O/H/B ring levee project
N/A	Land purchased as part of home buyouts related to the O/H/B ring levee project

We certify that \$74,894,235 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in HB 1020. Copies of their approval letters are included.

If you have any questions relating to our request, please contact me directly.

Sincerely,



Kent Costin
 Director of Finance, City of Fargo
 Metro Flood Diversion Authority

Required Local Approvals:

City of Fargo

Cass County Commission

Cass County Joint Water Resource Dist.

FM Metropolitan Area Flood Risk Management Project
Summary of Cash Disbursements Eligible for SWC Funding
May 2017 - OHB Levee Related Costs

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7930-429.67-11	5/31/2017	278305	CASS COUNTY JOINT WATER RESOURCE DI	10,914.82	BOB SCHMIT CONSTRUCTION &	V02411	AXBOW MOU-RESIDENT RLCTN
790-7930-429.67-11	5/31/2017	278305	CASS COUNTY JOINT WATER RESOURCE DI	3,980.00	MIKE AND DONNIE STREI	V02411	AXBOW MOU-RESIDENT RLCTN
790-7930-429.67-11	5/31/2017	278305	CASS COUNTY JOINT WATER RESOURCE DI	10,866.45	ELDON JOHNSON	V02411	AXBOW MOU-RESIDENT RLCTN
790-7930-429.67-11	5/31/2017	278305	CASS COUNTY JOINT WATER RESOURCE DI	345,466.34	THE TITLE COMPANY	V02411	AXBOW MOU-RESIDENT RLCTN
790-7930-429.67-11	5/31/2017	278305	CASS COUNTY JOINT WATER RESOURCE DI	25.05	JOE AND MARIE TALLEY	V02411	AXBOW MOU-RESIDENT RLCTN
		Total LERRDS - North Dakota - Residential Buildings		371,252.66			
790-7930-429.73-20	5/31/2017	278305	CASS COUNTY JOINT WATER RESOURCE DI	31,425.30	SCHMIDT AND SONS CONSTRUC	V01701	ND LAND PURCH-OUT OF TOWN
		Total LERRDS - North Dakota - Site Improvements		31,425.30			
		Total Expense		402,677.96			
		Land - From Local Match Spreadsheet		121,300.00			
		Total Expense for Period		523,977.96			

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NOTICE OF HEARING
FOR SPECIAL ASSESSMENT OF
SEWER REPAIRS

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for Sewer Repairs, provided in the list below, on Monday, August 14, 2017, at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Address	Parcel	Assessment
1501 9th Street North	01-0380-00700-000	\$ 8,876.75
919 College Street North	01-1620-00610-000	\$ 8,099.75
518 9th Street South	01-2400-01060-000	\$ 3,500.00
919 10th Street North	01-1130-00860-000	\$ 2,400.00
2307 10th Street South	01-2710-00480-000	\$12,596.75
2821 10th Street North	01-4181-00700-000	\$ 6,125.00
1101 7th Street South	01-0780-00840-000	\$ 6,184.25
1111 10th Street North	01-0440-00950-000	\$12,337.00
349 15th Avenue South	01-0120-01160-000	\$ 9,702.50
507 22nd Avenue South	01-3200-00100-000	\$ 9,422.75
103 35th Avenue North	01-1005-00010-000	\$ 6,600.00
2213 6th Avenue South	01-0740-03100-000	\$ 5,450.00
3637 Par Street North	01-1003-00180-000	\$ 8,600.00
214 6th Avenue North	01-1540-02300-000	\$ 7,375.00
111 7th Avenue North	01-1760-00380-000	\$11,374.00
417 22nd Avenue North	01-2780-00610-000	\$ 7,250.00
1421 9th Avenue South	01-0540-01020-000	\$ 6,000.00
206 22nd Avenue North	01-2780-00150-000	\$ 6,125.00
2830 10th Street North	01-4182-01020-000	\$ 8,210.00
1249 11th Street North	01-2220-03000-000	\$11,000.00
102 9th Avenue North	01-3260-00400-000	\$ 4,670.00
1042 Oak Street North	01-1160-01810-000	\$ 8,000.00
71 South Woodcrest Dr N	01-4050-00090-000	\$12,248.75
1106 8th Street North	01-0440-00570-000	\$ 5,286.50
736 2nd Street North	01-1760-00240-000	\$10,972.00
501 16th Street South	01-0340-01060-000	\$ 7,000.00
310 8th Avenue North	01-0580-00180-000	\$ 6,536.75
915 Broadway St N	01-4140-00050-000	\$13,050.00
2101 8th Street North	01-3020-00530-000	\$ 5,935.50
2307 6th Street South	01-0500-00130-000	\$ 7,625.00
1006 20th Street South	01-1270-01670-000	\$ 5,900.00
1122 2nd Street North	01-1160-00800-000	\$ 9,894.00
115 8th Avenue North	01-3260-00320-000	\$ 5,107.00
415 8th Street South	01-2140-00160-000	\$ 7,600.00
423 10th Street South	01-2140-00420-000	\$11,309.75
1313 9th Street North	01-2220-01460-000	\$ 9,096.50
1830 5th Street North	01-2100-00610-000	\$ 9,818.75
1545 7th Street North	01-0380-00120-000	\$ 5,000.00
229 20th Avenue North	01-1110-00230-000	\$ 5,000.00
1702 1st Avenue South	01-0060-00150-000	\$ 7,250.00
721 1st Street North	01-1760-00580-000	\$ 6,450.00

730 1st Street North	01-1760-00450-000	\$12,500.00
1525 7th Street North	01-0380-00170-000	\$ 9,875.00
344 7th Avenue South	01-1440-00700-010	\$ 9,014.75
1261 3rd Street North	01-1360-01380-000	\$10,923.50
1413 7th Street South	01-1400-01830-000	\$13,348.81
1015 6th Street South	01-0780-01920-000	\$ 9,976.25
1513 15th Street South	01-2040-04480-000	\$ 4,625.00
3018 9th Street North	01-1660-00470-000	\$ 6,781.25
1213 9th Street North	01-2220-01110-000	\$ 9,140.00
360 7th Avenue South	01-1440-00650-000	\$ 9,987.50
2018 10th Street North	01-3100-00310-000	\$ 9,356.00
1311 5th Street South	01-0140-00040-000	\$ 9,485.00
409 20th Avenue North	01-1100-00600-000	\$ 7,100.00
1446 10th Street South	01-1400-01430-000	\$ 8,100.00
605 15th Street South	01-0560-00020-000	\$11,109.00
1510 2nd Street North	01-1890-00190-000	\$12,125.00
1437 12th Street South	01-0280-00320-000	\$ 6,125.00
817 2nd Street North	01-3260-00280-000	\$ 6,111.00
1420 7th Avenue South	01-0540-00740-000	\$ 4,400.00
1035 University Drive North	01-0440-01840-000	\$10,900.00
1322 9th Avenue South	01-0540-00410-000	\$10,300.00
1917 16th Street South	01-0163-02930-000	\$ 7,464.50
424 10th Avenue South	01-4100-01000-000	\$10,900.00
350 20th Street North	01-3300-01830-000	\$ 7,625.00
1328 7th Avenue South	01-0540-00190-000	\$10,500.00
1101 9th Avenue North	01-1140-00510-000	\$ 8,408.00

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to August 14, 2017, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.

City Auditor's Office
(July 24 & July 31, 2017- Legals)

NOTICE OF HEARING
FOR SPECIAL ASSESSMENT OF
NUISANCE ABATEMENT FEES

436

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for Nuisance Abatement fees, provided in the list below, on Monday, August 14, 2017, at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Address	Parcel	Assessment
3702 Dorthea	01-6980-00530-000	1,750.00
6159 Martens Way	01-5720-00430-000	750.00
6238 Martens Way	01-5720-01580-000	750.00
6296 14th Street South	01-5720-01330-000	1,250.00
4239 39 1/2 Ave South	01-6600-00711-000	250.00
4332 39th Ave South	01-6600-00523-000	750.00
1964 54th Ave South	01-1060-00800-000	150.00
1224 10th Street South	01-0780-01580-000	2,600.00
1002 27th Street North	01-0480-01170-000	1,100.00
1501 14th Street South	01-2040-03910-000	1,000.00
806 16th Street South	01-0560-01140-000	1,404.00
1221 9th Avenue North	01-2900-00010-000	750.00
1432 6th Avenue South	01-0540-00650-000	1,350.00
1306 3rd Avenue South	01-0700-01940-000	750.00
1710 1st Avenue South	01-0060-00130-000	225.00
734 3rd Street North	01-0580-00190-000	225.00
1038 3rd Street North	01-1160-02290-000	2,750.00
1338 7th Avenue South	01-0540-00220-000	1,400.00
617 9th Avenue North	01-0620-00070-000	1,120.00
730 20th Street North	01-0100-02090-000	1,550.00
1620 8th Ave South	01-0560-01430-000	1,800.00
1642 4th St North	01-2100-01140-000	2,000.00
1642 Broadway	01-0380-03150-000	750.00
711 9th Street North	01-1120-00160-000	1,350.00
1701 Park Blvd South	01-2840-01210-000	78.39
32 Birch Lane South	01-2330-00440-000	78.39
1124 10th St South	01-0780-00690-000	78.39
1645 1st St N	01-1890-00600-000	389.45
320 22nd St S	01-0740-01790-000	196.04
2402 N Broadway	01-3060-00040-000	357.35
1205 University Dr S	01-0020-01650-000	197.92
6125 24th St S	01-6350-00580-000	523.10
700 College St N	01-1620-00130-000	193.41
1309 6th Ave S	01-0700-02810-000	163.56
2313 5th Ave S	01-0740-02590-000	245.28
4920 Spencer Lane S	01-8440-01450-000	280.08
813 7th Ave N	01-1120-00040-000	84.04
322 20th St N	01-3300-01900-000	305.86

1964 54th Ave S	01-1060-00800-000	138.16
5822 56th Ave S	01-8449-04080-000	193.41
1806 13th Ave S	01-1240-00140-000	136.28
1033 5th St N	01-1160-02360-000	136.28
1601 5th Ave S	01-0340-00510-000	245.28

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to August 14, 2017, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.

City Auditor's Office
(July 24 & July 31, 2017 - Legals)

430
**APPLICATION FOR ALCOHOLIC BEVERAGE
LICENSE**

11181

Company name (LLC, Inc):

BEZ Osgood Holdings LLC

Doing business as:

9 Iron Bar + Grill

Business address (location):

4400 Clubhouse Dr. S. Fargo, ND 58104

Mailing address:

P.O. Box 10552, Fargo ND 58106-0552

Business e-mail address:

Kelly.Zander@goldmark.com

Phone number: (701) 388-5824

Other number: ()

The following section to be completed by City Staff:

Date Received by Auditor's Office: _____

Investigations Fee Paid (\$250) _____ Yes _____ No Date Paid: _____ Check # _____

Reviewed – Police Department by: _____ Date: _____

Comments (or see attached report):

_____ Approval Recommendation

_____ Denial Recommendation

Chief of Police

Date

Reviewed – Liquor Control Committee on (date): _____

_____ Approval Recommendation
(See attached comments or minutes)

_____ Denial Recommendation

This application is for the Class or Classes of Licenses checked:

- ☐ Class A Authorizes the licensee to sell "on-sale" only.
- ☐ Class B Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- ☐ Class B "Limited" Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof. License is Non Transferable.
- ☐ Class AB Authorizes the licensee to sell "on-sale" or "off-sale". "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- ☐ Class ABH Authorizes the licensee to sell "on-sale" or "off-sale", at hotels & motels with 100 or more guest rooms only.
- ☐ Class ABH "Limited" Authorizes license may be issued to persons engaging in "on-sale" of beer and wine or hosting "manager's specials," solely for guests or patrons of extended stay and limited service hotels or motels
- ☐ Class ABH-RZ Authorizes the licensee to sell "on-sale" or "off-sale", to hotel guests in a Renaissance Zone with 15 guestrooms.
- ☐ Class C Authorizes the licensee to sell beer "on-sale" only. No food sales required. Physical bar is allowed.
- ☐ Class D Authorizes the licensee to sell beer "off-sale" only.
- ☐ Class DD License shall only be issued to a domestic distillery owner or operator who has obtained a license from the ND State Tax Commissioner. No food sales required.
- ☐ Class E In nature of a special permit, shall authorize the holder of an existing "on-sale" license in the sale of On-sale only alcoholic beverages on such premises designated on the permit.
- ☐ Class F Authorizes the licensee to sell "on-sale" only served at table or booth; no bar allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- ☐ Class FA Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- ☐ Class FA-RZ Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Required to be in the Renaissance Zone. No gaming and no "E" permits allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- ☒ Class FA-Golf On USGA Golf Course or 9 or more holes. Requires 25% receipts of food sales from April to October and 50% the rest of the year.
- ☐ Class FA-Entertainment Authorizes the licensee to sell "on-sale" only, in a place of amusement or in a recreational establishment. Requires non-alcoholic sales to exceed alcohol sales.

Authorizes the licensee to sell wine and sparkling wine "on-sale" only, served at table or booth, no bar. Requires 50% food sales.

() Class H

Authorizes the licensee to sell beer "on-sale" only, served at table or booth, with no bar allowed and requires 50% food sales.

() Class I

Authorizes the licensee to sell beer, wine, and sparkling wine "on-sale" only. A physical bar is allowed and requires 65% food sales.

() Class I Entertainment

Authorizes the Licensee to sell "on-sale" only of beer, wine and sparkling wine in a recreational establishment or place of amusement. A physical bar is allowed and 65 % of non-alcohol sales required.

() Class J

Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.

() Class L

Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.

() Class M

Authorizes the licensee to operate a Microbrew Pub or Domestic Winery and sell "on-sale" and "off-sale" offered in conjunction with another license. Allows the sale of Growlers.

() Class N

Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2500.

() Class O

Authorizes the licensee to operate a winemaker and/or vendor of winemaking supplies and related services.

() Class P

Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale". Allows limited beer sales.

() Class RZ-V

Authorizes the licensee to sell "on-sale" only, located in an approved Renaissance Zone. The venue should be designed and intended to be used as a private event center or entertainment venue with square footage of at least 10,000 square feet and capacity of at least 300 people. The Venue must derive 60% or more of its annual gross receipts from the sale of tickets.

() Class W

Authorizes the licensee to sell wine and sparkling wine "on-sale" only. A physical bar is allowed and no food sales required.

() Class Y

Shall authorize the production brewery to obtain a brewer license and a retailer license. Must be licensed by the State Tax Commissioner. No food sales required.

() Class Z

Authorizes the licensee to sell "on-sale" only issued to individuals not currently holding another "A", "AB", ABH", or "ABH-RZ". A physical bar is allowed and no food sales required.

The following section to be completed by the applicant:

ALL APPLICANTS must initial #1 - #9 and sign in the space provided below.

1. KZ All applicants must assure there is adequate off-street parking for my business (within the direction of and as approved by the City Commission). Membership in the current City parking program (e.g. "P.O.P") may place me in compliance with this requirement.
2. KZ I have received a copy of the Alcoholic Beverage Ordinance(s) of the City of Fargo, read the ordinances and am familiar with the conditions and requirements of these ordinances.
3. KZ If granted an alcoholic beverage license, I will obey, abide by and comply with the State of North Dakota Liquor Control Act, and the City of Fargo Alcoholic Beverage ordinances, as well as any amendments to either of these, which may be made from time to time.
4. KZ I understand either, I, my manager(s), or both of us must attend a yearly meeting (date and time to be announced) with representatives from the Police and Health departments to discuss law enforcement and safety concerns as a condition of license renewal.
5. KZ I understand that the premises described in the application, if licensed for alcoholic beverage sales, may be inspected at any time by the Chief of Police, or any officer of the Police or Health Departments as allowed by city ordinances and state law. My employees and I will cooperate with such inspections.
6. KZ I understand that all employees, managers and owners engaged in mixing, pouring or service of alcoholic beverages **MUST** attend Server Training.
7. KZ I am familiar with the question, answers and other information as it appears in the complete application of an alcoholic beverage license, and the answers and information are, to the best of my belief and knowledge, true, complete and accurate. (Note: This application must be made under oath before a Notary Public.)
8. KZ I recognize the City of Fargo is subject to open records laws contained in chapter 44-04 of the N.D. Century Code. Section 44-04-18.4 contains an exception for trade secrets, proprietary, commercial, and financial information. I agree in submitting the application, that I have familiarized myself with this law. If any information being forwarded to the City of Fargo is claimed as confidential or proprietary under this section, I must clearly indicate this in writing when I submit this application, pointing out, in detail, why the information submitted is claimed as an exemption under section 44-04-18.4. I further agree to respond to, as well as to aid the City, in responding to any claim under 44-04-21.1 concerning this claim of confidentiality under 44-04-18.4.
9. KZ I understand that **the license will expire on June 30 of each year** and a renewal process will need to be completed. This process will include a completed renewal application, payment in full for the required annual fee, a completed roster for each employee who pours or serves alcohol, attendance of Server Training for those listed on the roster, and a copy of your certified food sales if applicable to your license.

Applicant printed name: Kelly Zander Signature: 

Applicant printed name: _____ Signature: _____

Applicant printed name: _____ Signature: _____

Applicant Information: (2 pages)

Name: Kelly Jeff Zander
 (first) (middle) (last) (maiden name)

Address: 4207 58th St. S. Fargo ND 58104
 (address) (city) (state & zip)

How long have you lived at this address? Since 11-30-2009 (Approx 7.5 years)

Provide your address history for the past 5 years:

From 11-30-09 to Current Address: 4207 58th Street South, Fargo ND 58104

From _____ to _____ Address: _____

E-mail address: Kelly.Zander@goldmarv.com

Home phone number: (701) 388-5824 Other number: (____) _____

Date of Birth: 3-21-80 Place of Birth: Devils Lake

List each driver's license you have ever had and the state of issue:

DL#: ZAN-80-3532 State of Issue: North Dakota Dates: 1998 to Current

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? X Yes _____ No If "yes," where and when.

Grand Forks in 2001

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?

_____ Yes X No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed) X Yes _____ No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Disorderly Conduct in March of 2016

Have you been issued a citation for any alcohol-related offense? X Yes _____ No

If "yes", provide the date of arrest, location, charge of each conviction.

Grand Forks in 2001 For DUI

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Holiday Inn - Fargo

Holiday Inn Express - Fargo

Radisson - Fargo 6

Have any of the above named licenses ever been suspended or revoked? ☐ Yes ☒ No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: Dec 2002 to Current Business name: Self Employed

Address: 4207 58th St. S., Fargo ND Position/Title: Owner

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?

☒ Yes ☐ No If "yes", list each business below: Holiday Inn - Fargo
Holiday Inn Express - Fargo
Radisson - Fargo

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?

☐ Yes ☒ No If "yes", indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol?

☒ Yes ☐ No If "yes", describe below: Managing Partner of Holiday Inn of Fargo,
Holiday Inn Express of Fargo + Radisson of Fargo.

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

The following section to be completed by the applicant:

ALL APPLICANTS must initial #1 - #9 and sign in the space provided below.

1. PC All applicants must assure there is adequate off-street parking for my business (within the direction of and as approved by the City Commission). Membership in the current City parking program (e.g. "P.O.P") may place me in compliance with this requirement.
2. PC I have received a copy of the Alcoholic Beverage Ordinance(s) of the City of Fargo, read the ordinances and am familiar with the conditions and requirements of these ordinances.
3. PC If granted an alcoholic beverage license, I will obey, abide by and comply with the State of North Dakota Liquor Control Act, and the City of Fargo Alcoholic Beverage ordinances, as well as any amendments to either of these, which may be made from time to time.
4. PC I understand either, I, my manager(s), or both of us must attend a yearly meeting (date and time to be announced) with representatives from the Police and Health departments to discuss law enforcement and safety concerns as a condition of license renewal.
5. PC I understand that the premises described in the application, if licensed for alcoholic beverage sales, may be inspected at any time by the Chief of Police, or any officer of the Police or Health Departments as allowed by city ordinances and state law. My employees and I will cooperate with such inspections.
6. PC I understand that all employees, managers and owners engaged in mixing, pouring or service of alcoholic beverages **MUST** attend Server Training.
7. PC I am familiar with the question, answers and other information as it appears in the complete application of an alcoholic beverage license, and the answers and information are, to the best of my belief and knowledge, true, complete and accurate. (Note: This application must be made under oath before a Notary Public.)
8. PC I recognize the City of Fargo is subject to open records laws contained in chapter 44-04 of the N.D. Century Code. Section 44-04-18.4 contains an exception for trade secrets, proprietary, commercial, and financial information. I agree in submitting the application, that I have familiarized myself with this law. If any information being forwarded to the City of Fargo is claimed as confidential or proprietary under this section, I must clearly indicate this in writing when I submit this application, pointing out, in detail, why the information submitted is claimed as an exemption under section 44-04-18.4. I further agree to respond to, as well as to aid the City, in responding to any claim under 44-04-21.1 concerning this claim of confidentiality under 44-04-18.4.
9. PC I understand that **the license will expire on June 30 of each year** and a renewal process will need to be completed. This process will include a completed renewal application, payment in full for the required annual fee, a completed roster for each employee who pours or serves alcohol, attendance of Server Training for those listed on the roster, and a copy of your certified food sales if applicable to your license.

Applicant printed name: DANA Coulter Signature: [Signature]

Applicant printed name: _____ Signature: _____

Applicant printed name: _____ Signature: _____

Applicant Information: (2 pages)

Name: Dawn C Coulter
 (first) (middle) (last) (maiden name)

Address: 3865 2nd St E West Fargo ND 58078
 (address) (city) (state & zip)

How long have you lived at this address? 5 years

Provide your address history for the past 5 years:

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: dctoptick@gmail.com

Home phone number: (701) 361-6214 Other number: (____) _____

Date of Birth: 8/7/1970 Place of Birth: Grand Fork ND

List each driver's license you have ever had and the state of issue:

DL#: COV-70-7950 State of Issue: ND Dates: _____

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? X Yes _____ No If "yes," where and when.

Fargo ND 2002
 If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?
 _____ Yes X No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed) X Yes _____ No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Have you been issued a citation for any alcohol-related offense? _____ Yes X No
 If "yes", provide the date of arrest, location, charge of each conviction.

8/14/2002	Fargo	Fleeing Police
8/9/2006	Fargo	15 Days Jail 1000.00 fine
Disorderly Conduct simple Assault		250 fine

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Former AB - Lt. Cignero
 Current Holder Brewtus Brickhouse Fargo / Brick House Tavern's Moorhead

Have any of the above named licenses ever been suspended or revoked? ____ Yes ☒ No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: Dec 2011 to Current Business name: Self Employed - Sky Digital

Address: 3805 2nd St. E, West Fargo Position/Title: Owner

From: ____ to ____ Business name: ____

Address: ____ Position/Title: ____

From: ____ to ____ Business name: ____

Address: ____ Position/Title: ____

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?

☒ Yes ____ No If "yes", list each business below:

Brewtus Brickhouse - Fargo

Brickhouse Tavern's - Moorhead

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?

____ Yes ☒ No If "yes", indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol?

☒ Yes ____ No If "yes", describe below:

JT Cigaro & Brickhouse (Fargo & Moorhead)

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

The following section to be completed by the applicant:

ALL APPLICANTS must initial #1 - #9 and sign in the space provided below.

1. RB All applicants must assure there is adequate off-street parking for my business (within the direction of and as approved by the City Commission). Membership in the current City parking program (e.g. "P.O.P") may place me in compliance with this requirement.
2. RB I have received a copy of the Alcoholic Beverage Ordinance(s) of the City of Fargo, read the ordinances and am familiar with the conditions and requirements of these ordinances.
3. RB If granted an alcoholic beverage license, I will obey, abide by and comply with the State of North Dakota Liquor Control Act, and the City of Fargo Alcoholic Beverage ordinances, as well as any amendments to either of these, which may be made from time to time.
4. RB I understand either, I, my manager(s), or both of us must attend a yearly meeting (date and time to be announced) with representatives from the Police and Health departments to discuss law enforcement and safety concerns as a condition of license renewal.
5. RB I understand that the premises described in the application, if licensed for alcoholic beverage sales, may be inspected at any time by the Chief of Police, or any officer of the Police or Health Departments as allowed by city ordinances and state law. My employees and I will cooperate with such inspections.
6. RB I understand that all employees, managers and owners engaged in mixing, pouring or service of alcoholic beverages **MUST** attend Server Training.
7. RB I am familiar with the question, answers and other information as it appears in the complete application of an alcoholic beverage license, and the answers and information are, to the best of my belief and knowledge, true, complete and accurate. (Note: This application must be made under oath before a Notary Public.)
8. RB I recognize the City of Fargo is subject to open records laws contained in chapter 44-04 of the N.D. Century Code. Section 44-04-18.4 contains an exception for trade secrets, proprietary, commercial, and financial information. I agree in submitting the application, that I have familiarized myself with this law. If any information being forwarded to the City of Fargo is claimed as confidential or proprietary under this section, I must clearly indicate this in writing when I submit this application, pointing out, in detail, why the information submitted is claimed as an exemption under section 44-04-18.4. I further agree to respond to, as well as to aid the City, in responding to any claim under 44-04-21.1 concerning this claim of confidentiality under 44-04-18.4.
9. RB I understand that **the license will expire on June 30 of each year** and a renewal process will need to be completed. This process will include a completed renewal application, payment in full for the required annual fee, a completed roster for each employee who pours or serves alcohol, attendance of Server Training for those listed on the roster, and a copy of your certified food sales if applicable to your license.

Applicant printed name: Ryan Beckman Signature: [Signature]

Applicant printed name: _____ Signature: _____

Applicant printed name: _____ Signature: _____

Applicant Information: (2 pages)

Name: RYAN DAVID Beckman
 (first) (middle) (last) (maiden name)

Address: 4210 52nd ST. S. FARGO ND 58104
 (address) (city) (state & zip)

How long have you lived at this address? 7.5 years

Provide your address history for the past 5 years:

From 10-1-10 to Present Address: 4210 52nd ST, South Fargo, ND 58104

From _____ to _____ Address: _____

E-mail address: RYAN.BECKMAN@OSGOODPIROW.COM

Home phone number: (701) 540-1847 Other number: (____) _____

Date of Birth: 5-14-74 Place of Birth: Shatopee, MN.

List each driver's license you have ever had and the state of issue:

DL#: _____ State of Issue: _____ Dates: _____

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? _____ Yes ☒ No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?
 _____ Yes ☒ No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed) ☒ Yes _____ No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

2-13-12 45th ST. South / 17th AVE - 1st convicted DUI charged

Have you been issued a citation for any alcohol-related offense? ☒ Yes _____ No

If "yes", provide the date of arrest, location, charge of each conviction.

2-13-12 45th ST. South / 17th AVE - 1st convicted DUI charged

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

N/A

Have any of the above named licenses ever been suspended or revoked? ☐ Yes ☒ No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 10-1-14 to Present Business name: 9 ILON BAR & GRILL
 Address: 4400 Clubhouse Dr. 58104 ^{FARGO, ND} Position/Title: Gm

From: 4-1-13 to 10-1-16 Business name: SHOTGUN SALIS
 Address: 1515 45th St. S. 58103 ^{FARGO, ND} Position/Title: Gm

From: 8-1-05 to 4-1-13 Business name: ST CIGARRO
 Address: 855 45th St. S. 58103 ^{FARGO, ND} Position/Title: Gm

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?
☐ Yes ☒ No If "yes", list each business below:

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?
☐ Yes ☒ No If "yes", indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol?
☒ Yes ☐ No If "yes", describe below:

RESTAURANT / BAR Manager Since 1996

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

Operator/Manager Information

Are you going to operate/manage this business personally?

X Yes _____ No If "no", who will operate/manage it?

Name:

Kelly J Zander
(first) (middle) (last)
(maiden name)

Address:

4207 58th St. S. Fargo ND 58104
(address) (city) (state & zip)

Home phone number: (701) 388-5824 Other number (____)

Date of Birth: 3-21-80 Place of Birth: Devils Lake, ND

(Important: The name and other information about your manager must be provided before a license can be issued. If the manager changes during the course of the license period, you must provide the City Auditor's Office with updated information about the new manager immediately.)

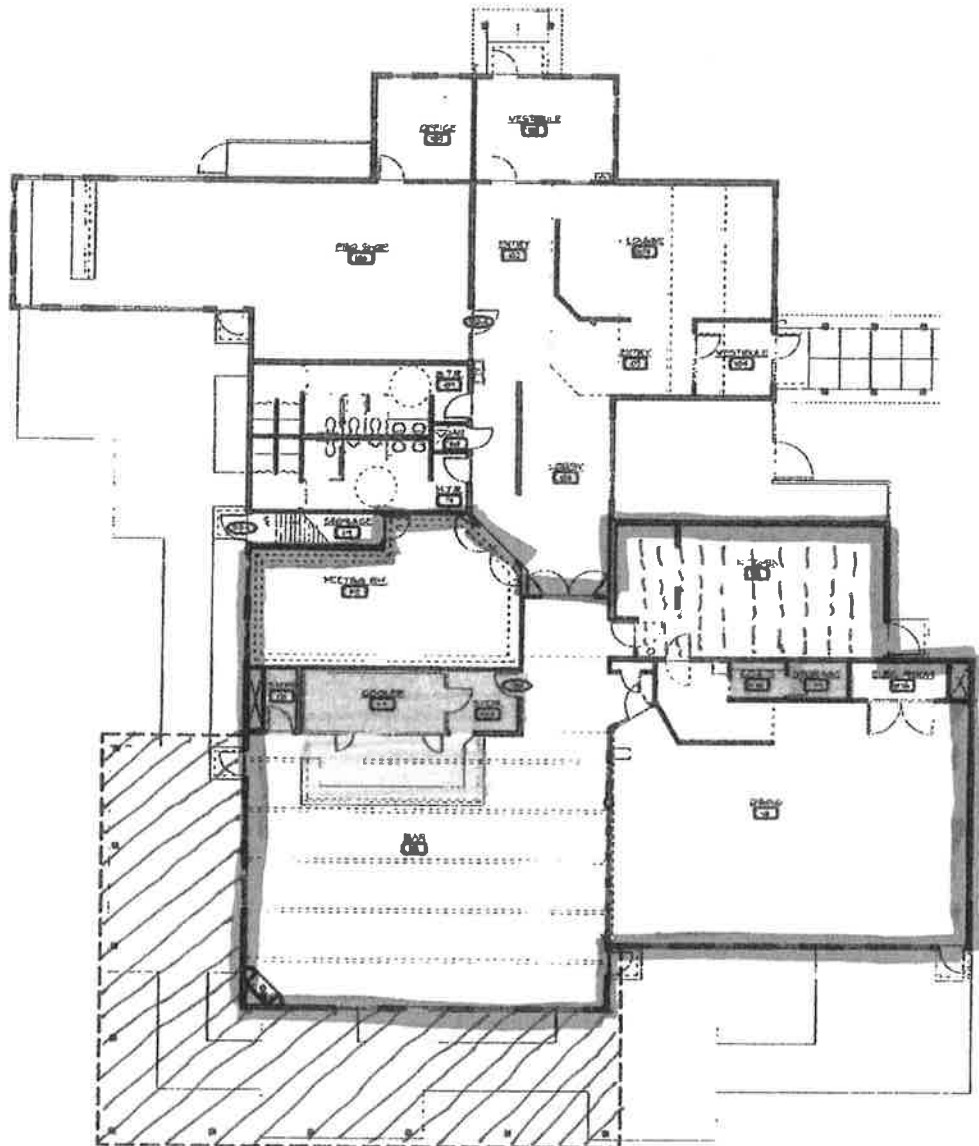
Business Site Plan

On this page (or on attached pages if additional space is needed), provide a detailed diagram and description of the design, location, and square footage of the premises to be licensed.

- The scale should be stated, such as 1" = 20'. The direction N should be indicated towards the top.
- The diagram should include placement of all pertinent features of the interior of the licensed premises, such as seating areas, kitchens, offices, repair areas, restrooms, etc. The exterior parking area should also be shown.

Floor Plan of Premises

Exhibit A



① FLOOR PLAN
SCALE: 1" = 10'
0' 10' 20'

■ = Demised Premises

□ = Sale & dispensing Area

■ = Beverage Cooler & Storage Areas

■ = Dining Areas (Indoor)

■ = Dining Areas (Outdoor)

■ = Kitchen Area



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

43d

1940

Company name (LLC, Inc): Mom's Kitchen Inc.

Doing business as: Tailgator's Sport's Cafe

Business address (location): 1322 Main Ave Fargo, ND 58103

Mailing address: 1322 Main Ave Fargo, ND 58103

Business e-mail address: snimhappy@yahoo.com

Mom's Kitchen
Phone number: (701) 235-4460

Tailgator's
Other number: (701) 293-2091
Cell (Rick) (701) 371-9189

The following section to be completed by City Staff:

Date Received by Auditor's Office: _____

Investigations Fee Paid (\$250) _____ Yes _____ No Date Paid: _____ Check # _____

Reviewed – Police Department by: _____ Date: _____

Comments (or see attached report):

_____ Approval Recommendation

_____ Denial Recommendation

Chief of Police

Date

Reviewed – Liquor Control Committee on (date): _____

_____ Approval Recommendation

_____ Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date): _____

_____ Approval

_____ Denial

This application is for the Class or Classes of Licenses checked:


- ☐ Class A Authorizes the licensee to sell "on-sale" only.
- ☐ Class B Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- ☐ Class B "Limited" Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof. License is Non Transferable.
- ☒ Class AB Authorizes the licensee to sell "on-sale" or "off-sale". "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- ☐ Class ABH Authorizes the licensee to sell "on-sale" or "off-sale", at hotels & motels with 100 or more guest rooms only.
- ☐ Class ABH "Limited" Authorizes license may be issued to persons engaging in "on-sale" of beer and wine or hosting "manager's specials," solely for guests or patrons of extended stay and limited service hotels or motels
- ☐ Class ABH-RZ Authorizes the licensee to sell "on-sale" or "off-sale", to hotel guests in a Renaissance Zone with 15 guestrooms.
- ☐ Class C Authorizes the licensee to sell beer "on-sale" only. No food sales required. Physical bar is allowed.
- ☐ Class D Authorizes the licensee to sell beer "off-sale" only.
- ☐ Class DD License shall only be issued to a domestic distillery owner or operator who has obtained a license from the ND State Tax Commissioner. No food sales required.
- ☐ Class E In nature of a special permit, shall authorize the holder of an existing "on-sale" license in the sale of On-sale only alcoholic beverages on such premises designated on the permit.
- ☐ Class F Authorizes the licensee to sell "on-sale" only served at table or booth; no bar allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- ☐ Class FA Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- ☐ Class FA-RZ Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Required to be in the Renaissance Zone. No gaming and no "E" permits allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- ☐ Class FA-Golf On USGA Golf Course or 9 or more holes. Requires 25% receipts of food sales from April to October and 50% the rest of the year.


- () Class FA-Entertainment Authorizes the licensee to sell "on-sale" only, in a place of amusement or in a recreational establishment. Requires non-alcoholic sales to exceed alcohol sales.
- () Class G Authorizes the licensee to sell wine and sparkling wine "on-sale" only, served at table or booth, no bar. Requires 50% food sales.
- () Class H Authorizes the licensee to sell beer "on-sale" only, served at table or booth, with no bar allowed and requires 50% food sales.
- () Class I Authorizes the licensee to sell beer, wine, and sparkling wine "on-sale" only. A physical bar is allowed and requires 65% food sales.
- () Class I Entertainment Authorizes the Licensee to sell "on-sale" only of beer, wine and sparkling wine in a recreational establishment or place of amusement. A physical bar is allowed and 65 % of non-alcohol sales required.
- () Class J Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.
- () Class L Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.
- () Class M Authorizes the licensee to operate a Microbrew Pub or Domestic Winery and sell "on-sale" and "off-sale" offered in conjunction with another license. Allows the sale of Growlers.
- () Class N Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2500.
- () Class O Authorizes the licensee to operate a winemaker and/or vendor of winemaking supplies and related services.
- () Class P Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale". Allows limited beer sales.
- () Class RZ-V Authorizes the licensee to sell "on-sale" only, located in an approved Renaissance Zone. The venue should be designed and intended to be used as a private event center or entertainment venue with square footage of at least 10,000 square feet and capacity of at least 300 people. The Venue must derive 60% or more of its annual gross receipts from the sale of tickets.
- () Class W Authorizes the licensee to sell wine and sparkling wine "on-sale" only. A physical bar is allowed and no food sales required.
- () Class Y Shall authorize the production brewery to obtain a brewer license and a retailer license. Must be licensed by the State Tax Commissioner. No food sales required.
- () Class Z Authorizes the licensee to sell "on-sale" only issued to individuals not currently holding another "A", "AB", "ABH", or "ABH-RZ". A physical bar is allowed and no food sales required.

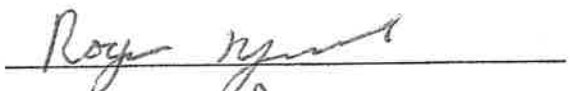
The following section to be completed by the applicant:


ALL APPLICANTS must initial #1 - #9 and sign in the space provided below.

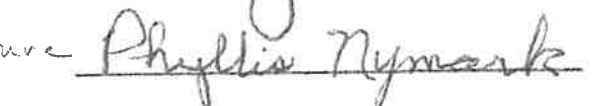
- N* *BA* *PN* *SN* 1. RN All applicants must assure there is adequate off-street parking for my business (within the direction of and as approved by the City Commission). Membership in the current City parking program (e.g. "P.O.P") may place me in compliance with this requirement.
- N* *BA* *PN* *SN* 2. RN I have received a copy of the Alcoholic Beverage Ordinance(s) of the City of Fargo, read the ordinances and am familiar with the conditions and requirements of these ordinances.
- N* *BA* *PN* *SN* 3. RN If granted an alcoholic beverage license, I will obey, abide by and comply with the State of North Dakota Liquor Control Act, and the City of Fargo Alcoholic Beverage ordinances, as well as any amendments to either of these, which may be made from time to time.
- N* *BA* *PN* *SN* 4. RN I understand either, I, my manager(s), or both of us must attend a yearly meeting (date and time to be announced) with representatives from the Police and Health departments to discuss law enforcement and safety concerns as a condition of license renewal.
- N* *BA* *PN* *SN* 5. RN I understand that the premises described in the application, if licensed for alcoholic beverage sales, may be inspected at any time by the Chief of Police, or any officer of the Police or Health Departments as allowed by city ordinances and state law. My employees and I will cooperate with such inspections.
- N* *BA* *PN* *SN* 6. RN I understand that all employees, managers and owners engaged in mixing, pouring or service of alcoholic beverages **MUST** attend Server Training.
- N* *BA* *PN* *SN* 7. RN I am familiar with the question, answers and other information as it appears in the complete application of an alcoholic beverage license, and the answers and information are, to the best of my belief and knowledge, true, complete and accurate. (Note: This application must be made under oath before a Notary Public.)
- N* *BA* *PN* *SN* 8. RN I recognize the City of Fargo is subject to open records laws contained in chapter 44-04 of the N.D. Century Code. Section 44-04-18.4 contains an exception for trade secrets, proprietary, commercial, and financial information. I agree in submitting the application, that I have familiarized myself with this law. If any information being forwarded to the City of Fargo is claimed as confidential or proprietary under this section, I must clearly indicate this in writing when I submit this application, pointing out, in detail, why the information submitted is claimed as an exemption under section 44-04-18.4. I further agree to respond to, as well as to aid the City, in responding to any claim under 44-04-21.1 concerning this claim of confidentiality under 44-04-18.4.
- N* *BA* *PN* *SN* 9. RN I understand that the license will expire on June 30 of each year and a renewal process will need to be completed. This process will include a completed renewal application, payment in full for the required annual fee, a completed roster for each employee who pours or serves alcohol, attendance of Server Training for those listed on the roster, and a copy of your certified food sales if applicable to your license.

Applicant printed name: Richard Nymark Signature: 

Applicant printed name: Susan Nymark Signature: 

Applicant printed name: Roger Nymark Signature: 

Applicant printed name: Brian Jones Signature: 

Applicant printed name: Phyllis Nymark Signature: 

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Mom's Kitchen, Inc. FA-18 Liquor license
Tobacco X-01879
State Retail Alcoholic License
City Alcohol Service/Bar # 586
City Food Service License # 588

Have any of the above named licenses ever been suspended or revoked? ☐ Yes ☒ No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 1983 to ^{MAY 2017} Present Business name: Mom's Kitchen Inc.

Address: 1322 Main Ave Position/Title: Owner / Pres.

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?
☐ Yes ☒ No If "yes", list each business below:

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?
☒ Yes ☐ No If "yes", indicate where, when, and for whom below:

Mom's Kitchen Inc FA-18 License

Do you have any current or prior management experience working for a business that sells or serves alcohol?
☒ Yes ☐ No If "yes", describe below:

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

Applicant Information: (2 pages)

Name: Roger Dean Nymark
(first) (middle) (last) (maiden name)

Address: 3201 Oakport St. N. Moorhead MN 56560
(address) (city) (state & zip)

How long have you lived at this address? 14 years

Provide your address history for the past 5 years:

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: _____

Home phone number: (218) 233-8213 Other number: () _____

Date of Birth: 10/12/1956 Place of Birth: Fargo

List each driver's license you have ever had and the state of issue:

DL#: K011139657802 State of Issue: minn Dates: 10-2014

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? _____ Yes ☒ No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?
_____ Yes _____ No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI ~~should not~~ be considered a "traffic offense" – and therefore must be listed) _____ Yes ☒ No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Have you been issued a citation for any alcohol-related offense? _____ Yes ☒ No
If "yes", provide the date of arrest, location, charge of each conviction.

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Mom's Kitchen Inc. FA-18 Liquor License City Alcohol Service/Bar # 586
Tobacco X-01879 City Food Service License # 588
State Retail Alcohol License

Have any of the above named licenses ever been suspended or revoked? ☐ Yes ☒ No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 1983 to Present²⁰¹⁷ Business name: Mom's Kitchen, Inc

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?

☐ Yes ☒ No If "yes", list each business below:

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?

☒ Yes ☐ No If "yes", indicate where, when, and for whom below:

Mom's Kitchen Inc

Do you have any current or prior management experience working for a business that sells or serves alcohol?

☒ Yes ☐ No If "yes", describe below: Mom's Kitchen Inc.

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Morris Kitchen Inc. FA-18 Liquor License City Alcohol Service/Bartender # 586
Tobacco X-01879 City Food Service License # 588
State Retail Alcohol License

Have any of the above named licenses ever been suspended or revoked? ☐ Yes ☒ No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period: Retired since 2000

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?

☐ Yes ☒ No If "yes", list each business below:

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?

☐ Yes ☒ No If "yes", indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol?

☐ Yes ☒ No If "yes", describe below:

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

Applicant Information: (2 pages)

Name: Susan Faye Nymark (Gulsvig)
 (first) (middle) (last) (maiden name)

Address: 3158 28th Ave N Moorhead MN 56560
 (address) (city) (state & zip)

How long have you lived at this address? 11 years

Provide your address history for the past 5 years:

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: snimhappy@yahoo.com

Home phone number: () _____ Other number: ^{cell} (701) 280-3076

Date of Birth: 9/30/1958 Place of Birth: Fargo

List each driver's license you have ever had and the state of issue:

DL#: Y915231248515 State of Issue: Minnesota Dates: Issued 09-2014 Expires 09-30-2018
 DL#: ? State of Issue: ND Dates: 12 years Ago

Has your driver's license ever been suspended or revoked? _____ Yes ☒ No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?
 _____ Yes _____ No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI should not be considered a "traffic offense" – and therefore must be listed) _____ Yes ☒ No
 If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Have you been issued a citation for any alcohol-related offense? _____ Yes ☒ No
 If "yes", provide the date of arrest, location, charge of each conviction.

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Mom's Kitchen Inc. FA-18 Liquor License City Alcohol Service/Bar #586
Tobacco X-01879 City Food Service License #588
State Retail Alcohol License

Have any of the above named licenses ever been suspended or revoked? ☐ Yes ☒ No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 1983 to ^{MAY 2017} present Business name: Mom's Kitchen Inc.

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?

☐ Yes ☒ No If "yes", list each business below:

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?

☒ Yes ☐ No If "yes", indicate where, when, and for whom below:

Mom's Kitchen Inc FA-18 License

Do you have any current or prior management experience working for a business that sells or serves alcohol?

☒ Yes ☐ No If "yes", describe below:

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

Applicant Information: (2 pages)

Name: Brian Keith Jones
 (first) (middle) (last) (maiden name)

Address: 110 Apple Lane Horace ND 58047
 (address) (city) (state & zip)

How long have you lived at this address? 14 yrs

Provide your address history for the past 5 years:

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: BRIAN.JONES@ENTRUSTDATACARD.COM

~~Home~~ phone number: CELL (701) 730 4089 Other number: (____) _____

Date of Birth: 12-16-68 Place of Birth: FARGO, ND

List each driver's license you have ever had and the state of issue:

DL#: JON-68-5270 State of Issue: ND Dates: 12-11-2012

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? X Yes _____ No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?
 _____ Yes X No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI should not be considered a "traffic offense" – and therefore must be listed) X Yes _____ No

If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

1995 Disorderly FARGO
 Have you been issued a citation for any alcohol-related offense? X Yes _____ No
 If "yes", provide the date of arrest, location, charge of each conviction.

1996 DUI FARGO

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Mom's Kitchen Inc. FA-18 Liquor License
Tobacco X-01879
State Retail Alcohol License

City Alcohol Service/Bar # 586
City Food Service License # 578

Have any of the above named licenses ever been suspended or revoked? ☐ Yes ☒ No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 1996 to current Business name: Entrust Datacard

Address: 1187 PARK PLACE Position/Title: Lead Customer Engineer
SHARPEE, MN

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?
☐ Yes ☒ No If "yes", list each business below:

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?
☐ Yes ☒ No If "yes", indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol?
☐ Yes ☒ No If "yes", describe below:

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

Operator/Manager Information

Are you going to operate/manage this business personally? Richard Nymark
X Yes _____ No If "no", who will operate/manage it?

Name: Richard Dale Nymark
(first) (middle) (last) (maiden name)

Address: 3158 28th Ave N. Moorhead MN. 56560
(address) (city) (state & zip)

Home phone number: () _____ ^{Cell} Other number (701) 371-9189

Date of Birth: 3/6/1959 Place of Birth: Moorhead

(Important: The name and other information about your manager must be provided before a license can be issued. If the manager changes during the course of the license period, you must provide the City Auditor's Office with updated information about the new manager immediately.)

Business Site Plan

On this page (or on attached pages if additional space is needed), provide a detailed diagram and description of the design, location, and square footage of the premises to be licensed.

- $1" = 20'$ → The scale would pose problem for fitting on paper and still showing some parking
- The scale should be stated, such as $1" = 20'$. The direction N should be indicated towards the top.
 - The diagram should include placement of all pertinent features of the interior of the licensed premises, such as seating areas, kitchens, offices, repair areas, restrooms, etc. The exterior parking area should also be shown.

Attached State Awaarded floorplan from 2011 (next page)
with a few adaptations for current layout

Existing layout for Man's Kitchen Inc
dba Man's Diner, Pops Roadside eatery : Tailgators
Sports Cafe

Licensee Name: (If incorporated, list corporation)

Name of Business:

Street Address of Business:

City:

State:

Zip Code:

58103

Dining
Ave



Bar Area

[]

Outdoor patio.



Outdoor
picnic
area
(grass/trees)

parking

exit

Parking

Parking

All shaded areas represent "licensed" premises for alcohol sales

SIGNATURE: Auditor (City/County)

Richard Nymark

EWB Spn Coy Aug. 1922

From 2011 w/ some adaptations
to current use

May of 2017



City of Fargo Staff Report			
Title:	Morton & Doty's Addition	Date:	2/28/2017
		Update:	6/28/2017
Location:	1345 University Drive South	Staff Contact:	Aaron Nelson
Legal Description:	Lots 11-13, Block 1, Morton & Doty's Addition		
Owner(s)/Applicant:	Paul Deschene/Clay Lexen (Lowry Engineering)	Engineer:	Lowry Engineering
Entitlements Requested:	Zoning Change (From LC, Limited Commercial, to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay) and a PUD Master Land Use Plan		
Status:	City Commission Public Hearing: July 3, 2017		

Existing	Proposed
Land Use: Vacant Buildings (previously used as a used car lot & pet grooming business)	Land Use: Vehicle Repair
Zoning: LC, Limited Commercial	Zoning: LC, Limited Commercial, with a PUD, Planned Unit Development Overlay
Uses Allowed: 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.	Uses Allowed: 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 Building Coverage: 55% of lot area	Maximum Building Coverage: 55% of lot area

Proposal:
<p>The applicant is seeking approval of 1) a PUD Master Land Use Plan for a vehicle repair land use and 2) a zoning map amendment to establish a PUD, Planned Unit Development, overlay. Vehicle repair uses are restricted to a maximum site area of 15,000 square feet within the LC zoning district. The intent of these applications is to allow a vehicle repair use on a 21,000 square-foot lot within the LC, Limited Commercial, zoning district.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: LC, Limited Commercial with retail use • East: GO, General Office with religious institution use • South: LC, Limited Commercial with limited vehicle service & retail uses • West: NC, Neighborhood Commercial and SR-3, Single-Dwelling Residential, with office and residential uses <p>Area Plans:</p> <p>No area plans apply.</p> <p>Schools and Parks:</p> <p>Schools: The subject property is located within the Fargo School District, specifically within the school boundaries of Clara Barton/Hawthorn Elementary, Carl Ben Eielson Middle and Fargo South High schools.</p> <p>Parks: Lindenwood Park (1905 Roger Maris Drive) is located approximately a half mile (0.5 miles) east of the subject property. Lindenwood Park offers baseball/softball, bike rental, boat ramp, campground, concessions, cross country ski trails, fishing, grill, kayak launch, multipurpose field, playground, picnic table, recreational trails, rentals</p>

and restroom facilities.

Pedestrian / Bicycle: On-road bike facilities are located on 9th Street South about a quarter mile (0.25 miles) east of the subject property. The on-road bike facilities are a component of the metro area bikeways system.

Staff Analysis:

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. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. Since the previous zoning classification was established, the uses and businesses which existed on the subject property are no longer in use. The proposed PUD Overlay zoning district is intended to accommodate the redevelopment of this currently underutilized property. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way which 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 supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners. To date, staff has received one inquiry into the application and no comments 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 purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities, and protected by a flood resiliency strategy. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City. **(Criteria Satisfied)**

Master Land Use Plan: The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan.

1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;

The plan represents an improvement over what could have been accomplished through strict application of the base LC zoning district. In exchange for allowing vehicle repair on a lot that exceeds the maximum area permitted for vehicle repair within the LC zoning district, the applicant has proposed the following two design standards to be included within the proposed PUD ordinance:

- Each service bay door shall include two glass panels, each 24" in height and being the width of the door.
- Wainscoting shall extend 36" up from the exterior finished grade on the exterior walls of the building that face University Drive South and 14th Avenue South.

In addition, the applicant is willing to include standards for sidewalk connectivity, dumpster screening, and restrictions on outdoor storage. **(Criteria Satisfied)**

2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;

Staff has reviewed the PUD Master Land Use Plan and found that it complies with the PUD standards of Section 20-0302. The PUD modifies the maximum lot area for vehicle repair uses in the LC zoning district as provided for in Section 20-0402(L). The LDC requires that five parking spaces be provided per service bay for vehicle repair uses. The proposed facility will have five service bays, which require 25 total parking spaces. It should be noted that nine of these required parking spaces are proposed to be located internal to the building with the remaining 16 parking stall being located within the parking lot. All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**

3. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, 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 subject property fronts on existing developed public rights-of-way which provide access and public utilities to serve the development. **(Criteria satisfied)**

4. The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities, and protected by a flood resiliency strategy. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City. **(Criteria Satisfied)**

5. The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.

The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing redevelopment of a blighted and underutilized property within an area of the City that is serviced with existing utilities. **(Criteria Satisfied)**

Planning Commission Recommendation: June 6, 2017

On June 6, 2017, with a 6-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed: 1) Zoning Change from LC, Limited Commercial, to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission, and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the rezoning Ordinance on first reading, and move to approve the proposed: 1) Zoning Change from LC, Limited Commercial, to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

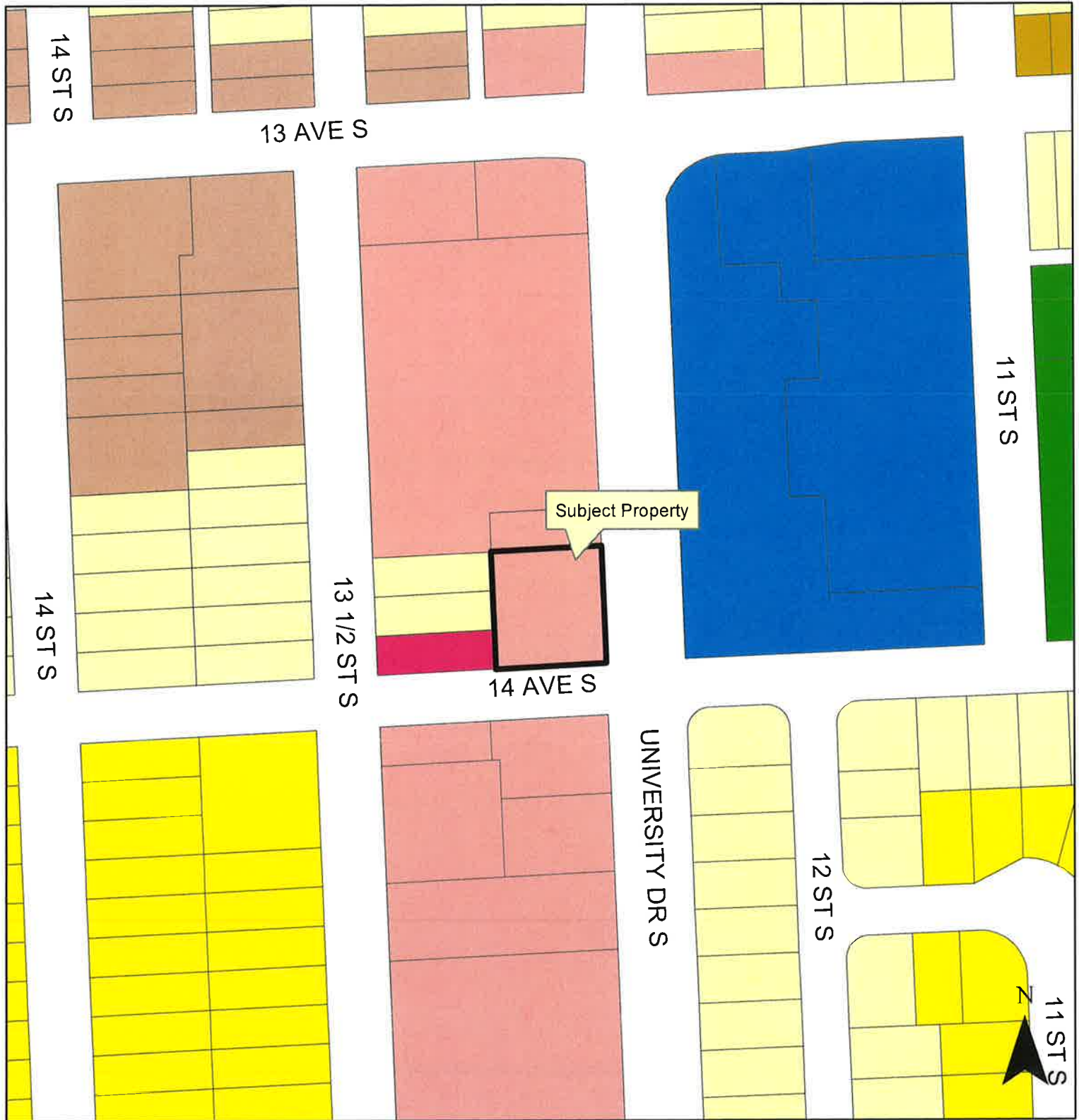
Attachments:

1. Zoning Map
2. Location Map
3. PUD Master Land Use Plan
4. Draft project plans
5. Proposed PUD Ordinance

Planned Unit Development (PUD) Master Land Use Plan and Zone Change (LC to LC w/ a PUD)

Morton & Dotys Addition

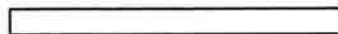
1345 University Drive South



Legend



300



Feet

Fargo Planning Commission

June 6, 2017

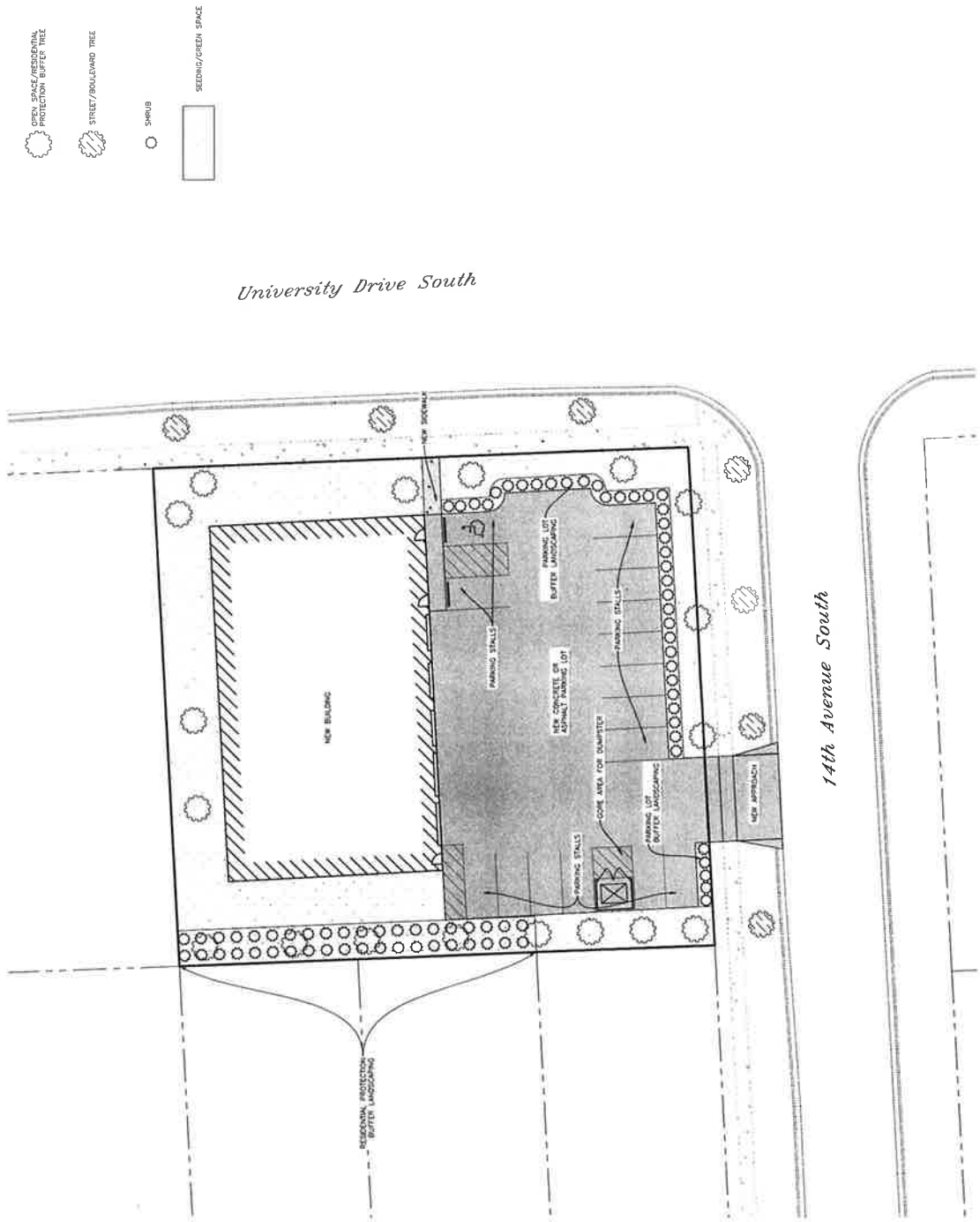
Planned Unit Development (PUD) Master Land Use Plan and Zone Change (LC to LC w/ a PUD)

Morton & Dotys Addition

1345 University Drive South



MASTER LAND USE PLAN
DAKOTA TIRE SERVICES
4-17-2016



Sheet:
A-2
Name:
ELEVATIONS

Date:
APRIL 2017

Revisions:

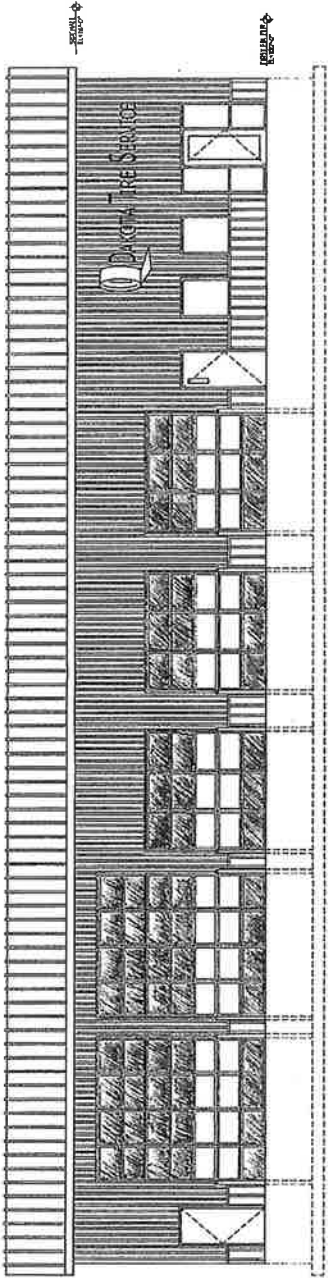
Job Number:
2017.07

Project:
NEW BUILDING
DAKOTA TIRE

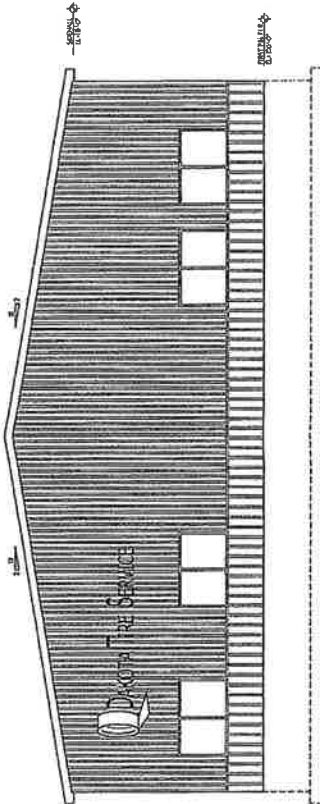
Location:
1345 SOUTH
UNIVERSITY
FARGO, ND

We warrant that the drawings are
prepared by a professional engineer
and are in accordance with the
requirements of the North Dakota
Professional Engineer Act, Chapter
16.1, N.D.C.S., and the rules and
regulations of the Board of
Professional Engineers, State of
North Dakota.

**Advanced
Cadd
Drawing**
Commercial - Residential
Civil - Mechanical
Electrical - Plumbing
Roofing - Foundation
Site Work - General
Phone: (701) 233-8877



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"

Sheet:
A-1
Name:
FLOOR PLAN

Date:
APRIL, 2017
Revisions:

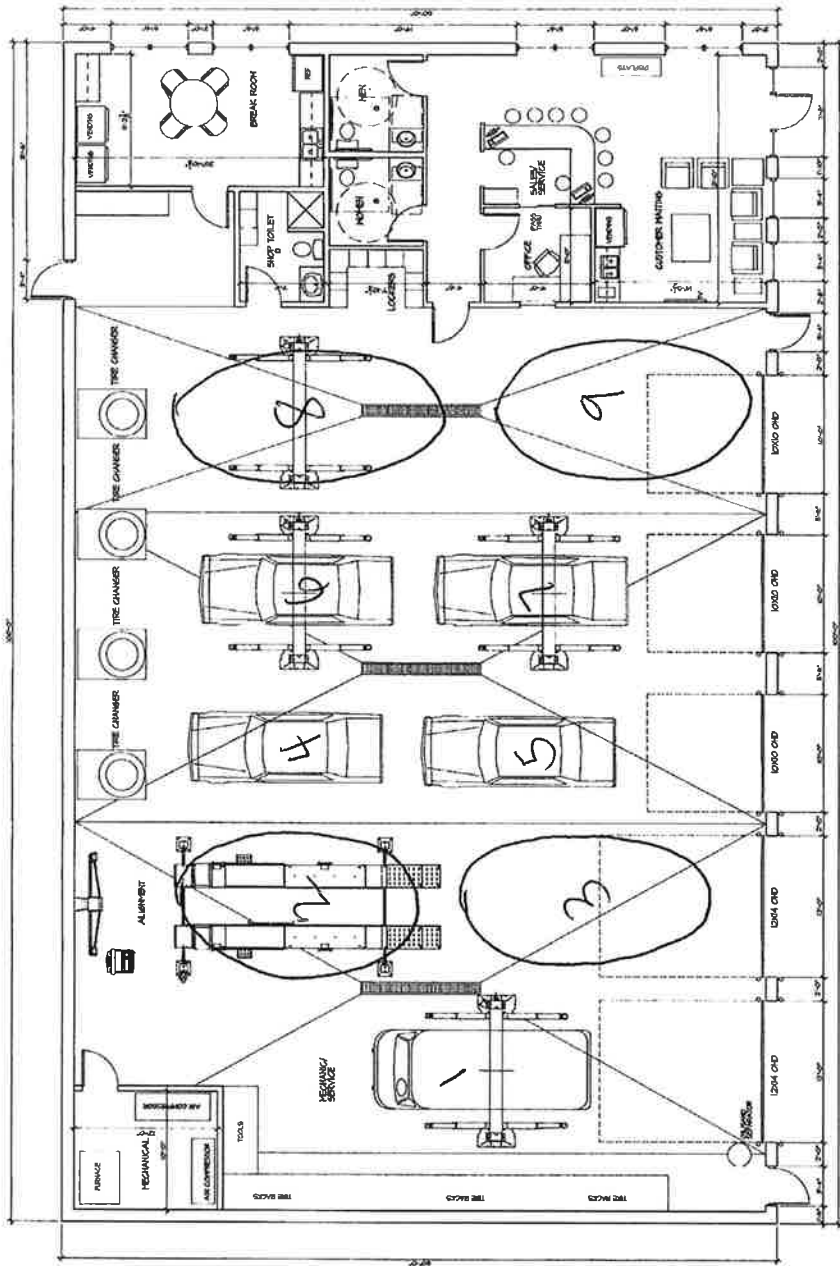
Job Number:
2017.07

Project:
**PROPOSED
NEW BUILDING
FOR:
VISION
CONSTRUCTION**

Location:
**1345 SOUTH
UNIVERSITY
FARGO, ND**

This drawing was prepared by
ADVANCED CAD SERVICES, INC.
ADVANCED CAD SERVICES, INC.
1000 1ST AVENUE, SUITE 200
FARGO, ND 58103
1) complete set of building codes
2) all dimensions
3) all elevations

**Advanced
Cad
Drawing**
Commercial - Residential
Drafting - Design Services
Mark A. Anderson, P.E.
Phone: (701) 233-3079



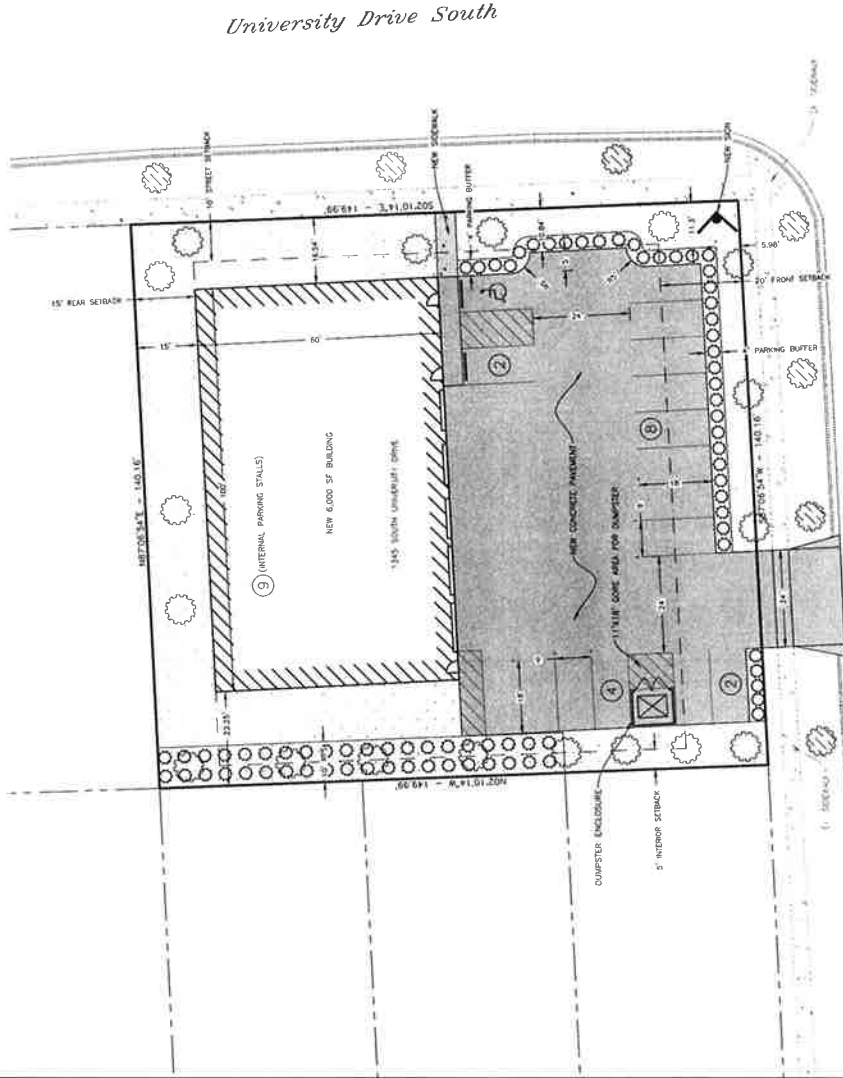
FLOOR PLAN
SCALE: 1/4" = 1'-0"



DAKOTA TIRE SERVICES
1345 UNIVERSITY DRIVE SOUTH
FARGO, NORTH DAKOTA

OWNER'S REP
DAKOTA TIRE
1111 ARMOUR STREET NW
FARGO, ND 58103
PH: 701-242-9500

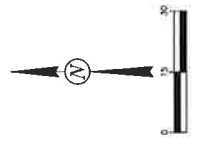
CIVIL ENGINEER
DAKOTA TIRE
1111 WESTRAC DRIVE SUITE 108
FARGO, ND 58103
PH: 701-242-0109



PARKING REQUIREMENT NOTES:
1. SHALL BE MAINTAINED 3 PARKING SPACES PER SERVICE BAY
2. THERE ARE 3 SERVICE BAYS LOCATED INSIDE THE BUILDING. FROM BAY TO BAY, THERE ARE 3 PARKING SPACES. FROM BAY TO MAIN 1 DRIVEWAY, THERE ARE 3 PARKING SPACES. FROM BAY TO MAIN 1 DRIVEWAY, THERE ARE 3 PARKING SPACES. FROM BAY TO MAIN 1 DRIVEWAY, THERE ARE 3 PARKING SPACES.
3. THERE ARE 18 EXTERIOR PARKING SPACES.
4. THERE ARE 25 PARKING SPACES TOTAL (18 EXTERIOR + 9 INTERIOR = 25 TOTAL).

- OPEN SPACE/RESIDUAL PROTECTION BUFFER TREE
- STREET/BOULEVARD TREE
- SHRUB
- SEEDING/GREEN SPACE

14th Avenue South



DAKOTA TIRE SERVICES
1345 UNIVERSITY DRIVE SOUTH
FARGO, ND

PRELIMINARY
NOT FOR
CONSTRUCTION

LS JOB #	1791
PROJECT DATE	4/7/2017
CHECKED BY	AJT
DRAWN BY	CON
APPROVED BY	AJT
SHEET	1 OF 1

PRELIMINARY LAYOUT

P-1

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

4360

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN MORTON & DOTY'S ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Morton & Doty's Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on June 6, 2017; and,

WHEREAS, the rezoning changes were approved by the City Commission on July 3, 2017,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots Eleven (11) through Thirteen (13), except the East Ten (10) feet thereof, Block One (1) of Morton & Doty's Addition to the city of Fargo, Cass County, North Dakota,

is hereby rezoned from "LC", Limited Commercial, District to "LC", Limited Commercial, District with a PUD, Planned Unit Development overlay as follows:

Allowed Uses: The Use Standards for the Vehicle Repair Use Category within the LC zoning district is modified as follows:

- The maximum site area shall not exceed 21,000 square feet and the maximum building size shall not exceed 7,500 square feet.

Additional Standards:

- Overhead service bay doors shall include two glass panels, at least 24 inches in height, and being the approximate width of the door.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

- Wainscoting shall extend 36 inches up from the exterior finished grade on the exterior walls of the building that face University Drive South and 14th Avenue South.
- A pedestrian walkway shall be provided between the building entrance and public sidewalk.
- Outdoor storage of equipment or supplies shall not be permitted.
- The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever, nor for the storage of any property or items that will cause such lot to appear untidy, unclean, or unsightly as determined by the Zoning Administrator; nor shall any substance, item, or material be kept on any lot that will emit foul odors. All garbage containers, including dumpsters, shall be concealed from public view by a fence, screen wall, or building extension.

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.

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

Timothy J. Mahoney, Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

43f

City of Fargo Staff Report			
Title:	Schatz 4th Addition	Date:	5/23/2017
		Update:	6/23/2017
Location:	5600 34th Avenue South	Staff Contact:	Kylie Murphy
Legal Description:	Lots 1-4, Block 1, Schatz 4th Addition		
Owner(s)/Applicant:	Eagle Ridge Development	Engineer:	N/A
Entitlements Requested:	Zoning Change (from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on Lot 2, Block 1, Schatz 4 th Addition and a request to repeal and reestablish a C-O, Conditional Overlay on Lots 1-4, Block 1, Schatz 4 th Addition)		
Status:	City Commission Public Hearing: July 3, 2017		

Existing	Proposed
Land Use: Vacant	Land Use: Office and Retail Sales and Services
Zoning: MR-3, Multi-Dwelling Residential	Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay
Uses Allowed: 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: 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 Lot Coverage Allowed: Maximum of 24 units per acre	Maximum Lot Coverage Allowed: 55% building coverage

Proposal:

The applicant is seeking a zoning change from MR-3, Multi-Dwelling Residential, to LC, Limited Commercial, with a C-O, Conditional Overlay on Lot 2, Block 1, Schatz 4th Addition and a request to repeal and reestablish a C-O, Conditional Overlay on Lots 1, 3 and 4, Block 1, Schatz 4th Addition. The subject property is located at 5600 and 5650 34th Avenue South, 3501 56th Street South and 5621, 5631 and 5651 36th Avenue South.

The original C-O on the subject property was intended for commercial development, however, the applicant has a more detailed development plan for the area. The proposed C-O maintains much of the original C-O requirements, while seeking to simplify and reduce ambiguity within the development. A draft of the proposed C-O language is attached to this staff report.

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

Surrounding Land Uses and Zoning Districts:

- North: Across 34th Avenue South, MR-3, Multi-Dwelling Residential, with attached residential (multi-dwelling structure) use
- East: Across 56th Street South, MR-1, Multi-Dwelling Residential, with attached residential (multi-dwelling structure) use
- South: LC, Limited Commercial with daycare, retail, and office uses
- West: LC, Limited Commercial with vacant land use

Area Plans:

The subject property is located in the 2003 Southwest Future Land Use Plan. The property is designated as the most suitable for "Low/Medium Density or Medium/High Density" land use.



Schools and Parks:

Schools: The subject property is located within the West Fargo School District and is served by Independence Elementary, Liberty Middle and Sheyenne High schools.

Parks: Brandt Crossing Park (5009 33rd Avenue S) is located about 0.29 miles east of the subject property and offers the amenities of basketball, dog park, playground, recreational trails, and shelter amenities.

Pedestrian / Bicycle: Off-road bike facilities are located along Veterans Boulevard approximately 350 feet west of the subject property. Off-road bike facilities are a component of the metro area trail system.

Staff Analysis:

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 zoning map error in regard to the subject property. Staff finds that the requested zone change is justified by a change in conditions, as the developer has a clearer picture of the type of development. The proposed C-O zoning is requested in order to keep the development compatible with the existing and emerging development in the area.

(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. No deficiencies have been noted in the ability to provide all of the necessary services to the site. The subject property abuts public right-of-way.

(Criteria Satisfied)

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

Staff has no evidence that would suggest this proposal would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the

subject property. To date, staff has not received any phone calls or comments in response to these notices. Staff finds that the approval 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 purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal is consistent with the purposes of the LDC and other adopted policies of the City.
(Criteria Satisfied)

Staff with the understanding that not all of the amendments as presented are accepted support the recommendation below. Note staffs comments in the applicants' proposed conditional overlay.

Update 6/23/17

Staff and the applicant have agreed to all the amendments to the Conditional Overlay that were approved on the June 6, 2017 Planning Commission Hearing. Approved changes to the Conditional Overlay are attached.

Planning Commission Recommendation: June 6, 2017

On June 6, 2017, with a 6-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial, on Lot 1 and repeal and reestablish a C-O, Conditional Overlay on Lots 1-4 on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission, and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the rezoning Ordinance on first reading, and move to approve the zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial, on Lot 1 and repeal and reestablish a C-O, Conditional Overlay on Lots 1-4 on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

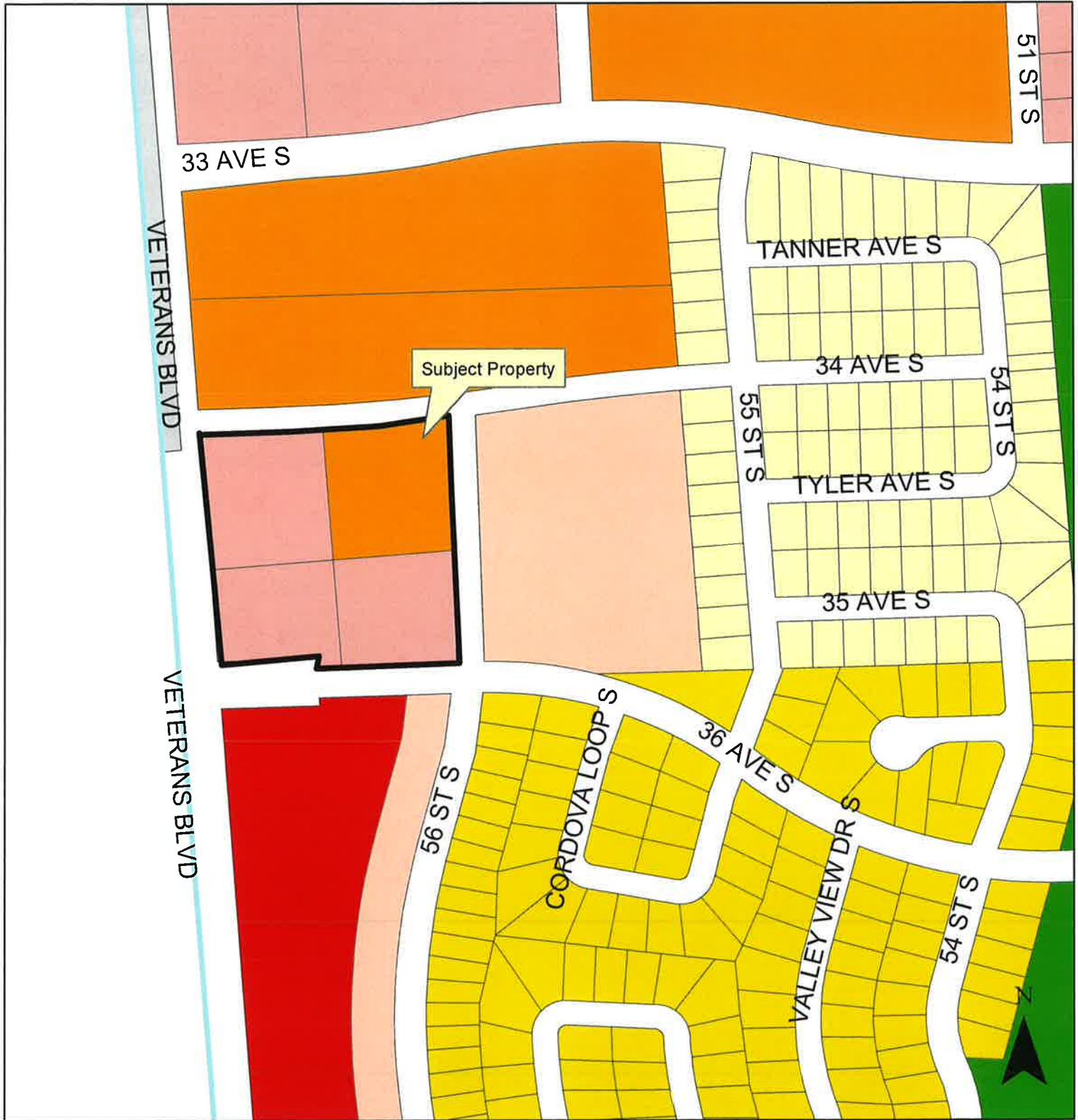
Attachments:

1. Zoning Map
2. Location Map
3. Draft C-O

Zone Change (MR-3 to LC w/ a C-O and Repeal & Reestablish a C-O)

Schatz 4th Addition

5600 & 5650 34th Ave S, 3501 56th St S,
and 5621, 5631 and 5651 36th Ave S



300
Feet

Fargo Planning Commission
June 6, 2017

Zone Change (MR-3 to LC w/ a C-O and Repeal & Reestablish a C-O)

5600 & 5650 34th Ave S, 3501 56th St S,
and 5621, 5631 and 5651 36th Ave S

Schatz 4th Addition



Section 1. The following-described property:

Lots 2, Block 1, Schatz Fourth Addition

To be rezoned from MR-3, Multi-Dwelling, to LC, Limited Commercial with a Conditional Overlay (C-O)

Lots 1, 3 and 4, Block 1, Schatz Fourth Addition

To be rezoned from LC, Limited Commercial with a Conditional Overlay (C-O), to LC, Limited Commercial with a Conditional Overlay (C-O)

1. This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding future commercial and residential development within the described property.
2. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality prestressed concrete systems; EIFS (exterior insulation finishing system), glass, metal panes similar to 'Aluco Bond' and synthetic panels similar to 'Trespa'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used. Horizontal metal lap siding and vertical metal batten shall be allowed on residential and commercial structures but shall not exceed 75% of the building elevation for residential structures and 50% for commercial.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated façade would emphasis elements on the face of a wall including change in setback, materials, roof pitch or height.
5. Ground floor facades that front Veterans Blvd shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. If the façade facing the street is not the front, it shall include the same features and/or landscaping in scale with the façade.
6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.
7. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service

side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.

8. Separate vehicular and pedestrian circulation systems shall be provided. An onsite system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. The primary entrance or entrances to each commercial building, including pad site buildings.
 - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
 - c. Parking areas or structures that serve such primary buildings.
 - d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
 - e. Any public sidewalk system along the perimeter streets adjacent to the commercial development.
 - f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
9. A minimum of 5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.
10. The following use(s) are prohibited.
 - a. Detention Facilities
 - b. Self Service Storage
 - c. Adult Entertainment Center
 - d. Off-Premise Advertising Signs (directional signs that are less than 50 square feet in size are exempt for this prohibition)
 - e. Portable Signs (portable signs will be allowed until June 30, 2018)
 - f. Vehicle Repair
 - g. Industrial Service
 - h. Manufacturing and Production
 - i. Warehouse and Freight Movement
 - j. Aviation/Surface Transportation

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

435.6

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN SCHATZ 4TH ADDITION,
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 Schatz 4th Addition, Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on June 6, 2017; and,

WHEREAS, the rezoning changes were approved by the City Commission on July 3, 2017,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot Two (2), Block One (1) of Schatz 4th Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "MR-3", Multi-Dwelling Residential, District, to "LC", Limited Commercial, District with a "C-O, Conditional Overlay, District as is set forth in Section 2, below;

Section 2. The following described property:

Lots One (1), Three (3) and Four (4), Block One (1) of Schatz 4th Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned to retain the base zoning district for said property and to add a "CO", Conditional Overlay, District as follows:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1. This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding future commercial and residential development within the described property.
2. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; EIFS (exterior insulation finishing system), glass, metal panes similar to 'Aluco Bond' and synthetic panels similar to 'Trespa'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used. Horizontal metal lap siding and vertical metal batten shall be allowed on residential and commercial structures but shall not exceed 75% of the building elevation for residential structures and 50% for commercial.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated façade would emphasis elements on the face of a wall including change in setback, materials, roof pitch or height.
5. Ground floor facades that front Veterans Blvd shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. If the façade facing the street is not the front, it shall include the same features and/or landscaping in scale with the façade.
6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

- 1 7. Dumpsters and outdoor storage areas must be completely screened from view. Collection
2 area enclosures shall contain permanent walls on at least three (3) sides The fourth side
3 shall incorporate a metal gate to visually screen the dumpster or compactor; however, if
4 the service side does not face any public right-of-way or residentially zoned property the
5 metal gate shall not be required.
- 6 8. Separate vehicular and pedestrian circulation systems shall be provided. An onsite system
7 of pedestrian walkways shall be designed to provide direct access and connections to and
8 between the following:
 - 9 a. The primary entrance or entrances to each commercial building, including pad site
10 buildings.
 - 11 b. Any sidewalks or walkways on adjacent properties that extend to the boundaries
12 shared with the commercial development.
 - 13 c. Parking areas or structures that serve such primary buildings.
 - 14 d. Connections between the on-site (internal) pedestrian walkway network and any
15 public sidewalk system located along adjacent perimeter streets shall be provided
16 at regular intervals along the perimeter street as appropriate to provide easy access
17 from the public sidewalks to the interior walkway network.
 - 18 e. Any public sidewalk system along the perimeter streets adjacent to the
19 commercial development.
 - 20 f. Where practical and appropriate, adjacent land uses and developments, including
21 but not limited to residential developments, retail shopping centers, office
22 buildings.
- 23 9. A minimum of 5% of the internal surface area of the parking lot shall be landscaped. The
cumulative open space (green space) of each property shall consist of at least 10% of the
total property acreage.
10. The following use(s) are prohibited.
 - a. Detention Facilities
 - b. Self Service Storage
 - c. Adult Entertainment Center

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

- d. Off-Premise Advertising Signs (directional signs that are less than 50 square feet in size are exempt for this prohibition)
- e. Portable Signs (portable signs will be allowed until June 30, 2018)
- f. Vehicle Repair
- g. Industrial Service
- h. Manufacturing and Production
- i. Warehouse and Freight Movement
- j. Aviation/Surface Transportation

Section 3. 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.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

Timothy J. Mahoney, Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

439

City of Fargo Staff Report			
Title:	Urban Plains by Brandt 1st Addition, Urban Plains by Brandt 2nd Addition, Urban Plains Center Addition, Urban Plains Medical Park Addition, Urban Plains Retail Addition, Urban Plains Northeast Retail Addition, and Urban Plains Northeast Retail 2nd Addition	Date: Update:	5/30/17 6/28/2017
Location:	4680, 5100, and 5101 28th Avenue South; 4651 and 4845 30th Avenue South; 5298 31st Avenue South; 4543 and 4737 32nd Avenue South; 2911 45th Street South; 2640, 2660, 2720, 2740, 2760, and 2780 47th Street South; 3180 49th Street South; 3023, 3057, 3079, and 2701 51st Street South; 2633 and 2867 55th Street South; 2907, 2915, 2949, 2975, 3037, and 3151 Seter Parkway South; 3050 and 3155 Brandt Drive South; and 4574 Urban Plains Drive South.	Staff Contact:	Aaron Nelson
Legal Description:	Lot 1, Block 4, Lots 2-4, Block 5, and Lots 3-4, Block 8, Urban Plains by Brandt 1st Addition; Lots 2-3, Block 1, Lot 2, Block 2, Lot 1, Block 3, Lots 2-3, Block 5, and part of Lot 1, Block 5, Urban Plains by Brandt 2nd Addition; Lots 5-6, Block 1, Urban Plains Medical Park Addition; Lots 7-10 Block 1, Urban Plains Retail Addition; Lots 1-3, Block 3 and Lot 1, Block 4, Urban Plains Center Addition; Parts of Lots 3-4, Block 1, Urban Plains Northeast Retail Addition; and Lots 2-3, Block 1, Urban Plains Northeast Retail 2nd Addition.		
Owner(s)/Applicant:	Urban Plains Land Co, LLC (Ace Brandt)/Houston Engineering, Inc. (Brian Pattengale)	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Zoning Change (to repeal and reestablish a C-O, Conditional Overlay on properties located within the GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional, zoning districts)		
Status:	City Commission Public Hearing: July 3, 2017		

Existing	Proposed
Land Use: Vacant & Parking Lot	Land Use: unchanged
Zoning: GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional, with a C-O, Conditional Overlay	Zoning: GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional, with a modified C-O, Conditional Overlay

<p>Uses Allowed: <u>GC</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, warehouse and freight movement, wholesale sales, aviation, surface transportation, and major entertainment events; <u>LC</u> 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; <u>MR-3</u> allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. <u>P/I</u> allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.</p>	<p>Uses Allowed: unchanged</p>
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<p>Proposal:</p> <p>The applicant is proposing a zoning map amendment in order to repeal the existing C-O, Conditional Overlay (Ordinance 4978) and reestablish a new C-O, Conditional Overlay on the subject property. The proposed C-O would effectively result in two modifications to the existing C-O:</p> <p>Part A) Section 2.8 is proposed to be modified as follows:</p> <p><i>Section 2.8 Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units shall be located at the side or rear of buildings and shall be visually screened from adjacent public right of way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.</i></p> <p>And Part A) Section 3.1 is proposed to be removed in its entirety:</p> <p><i>3.1 Parking shall be located in the side yard or rear yard of the buildings so as not to be located between the building and the street right of way.</i></p> <p>The existing Conditional Overlay, Ordinance 4978, is attached for reference.</p> <p>It is staff's understanding that the modifications to the Conditional Overlay proposed by the applicant are intended</p>
--

to allow greater flexibility of design for the future development of vacant properties within Urban Plains.

Background:

In 2003, Ordinance 4320 established a Conditional Overlay zoning district over 640 acres of land in southwest Fargo, including all of Urban Plains. This Conditional Overlay was proposed and applied for by the land owner, Ace Brandt, in order to establish architectural and design standards that would align with his vision for development within Urban Plains. Since then, there have been approximately nine zoning ordinances resulting in amendments to Conditional Overlays on various properties within the Urban Plains development. Most recently, Ordinance 4978 consolidated and simplified the patchwork of modified Conditional Overlay zoning districts within Urban Plains into one unified Conditional Overlay for all of Urban Plains. In 2015, Ordinance 4999 resulted in a modification to the unified Conditional Overlay for the Scheels Arena property, in order to accommodate the design and construction of a second sheet of ice at the arena. Consequently, Ordinance 4978 still applies to all properties within the Urban Plains development, except for the Scheels Arena property.

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

Area Plans:

The subject property is located within the bounds of the 2003 Southwest Future Land Use Plan. The property is designated as most suitable for "Commercial," "Commercial or Medium/High Density," "Either Office or Commercial," "Medium/High Density Residential," and "Office or Commercial or Medium/High Density" land use.



Schools and Parks:

Schools: The subject property is located within the West Fargo School District and is served by Freedom Elementary, Liberty Middle and Sheyenne High schools.

Parks: Urban Plains Park (5050 30th Avenue S) is located along 51st Street South at a central location amongst the subject properties. Urban Plains Park provides playground amenities.

Pedestrian / Bicycle: Off-road bike facilities are located in near proximity to several of the subject properties. Off-road bike facilities are located along Veterans Boulevard, Seter Parkway South, Urban Plains Park, Brandt Drive South, 28th Avenue South, 30th Avenue South, 31st Avenue South, 32nd Avenue South, 45 Street South, and 51st Street South. All off-road facilities are a component of the metro area trail system.

Staff Analysis:**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 zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established, as the applicant would like to allow greater flexibility in design for the undeveloped areas of Urban Plains. **(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 subject property fronts on existing public rights-of-way which allow 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 supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners. To date, staff has received about five inquiries into the application and no comments from the public relating to the specifics of this application. However, one citizen expressed concern with the number of apartments being constructed within Urban Plains in general. 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 purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal does not conflict with the purposes of the LDC, the Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

Planning Commission Recommendation: June 6, 2017

On June 6, 2017, with a 4-1 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed zoning change from GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, and P/I, Public and Institutional, with a C-O, Conditional Overlay, to GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional, with a modified C-O, Conditional Overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Staff Recommendation:

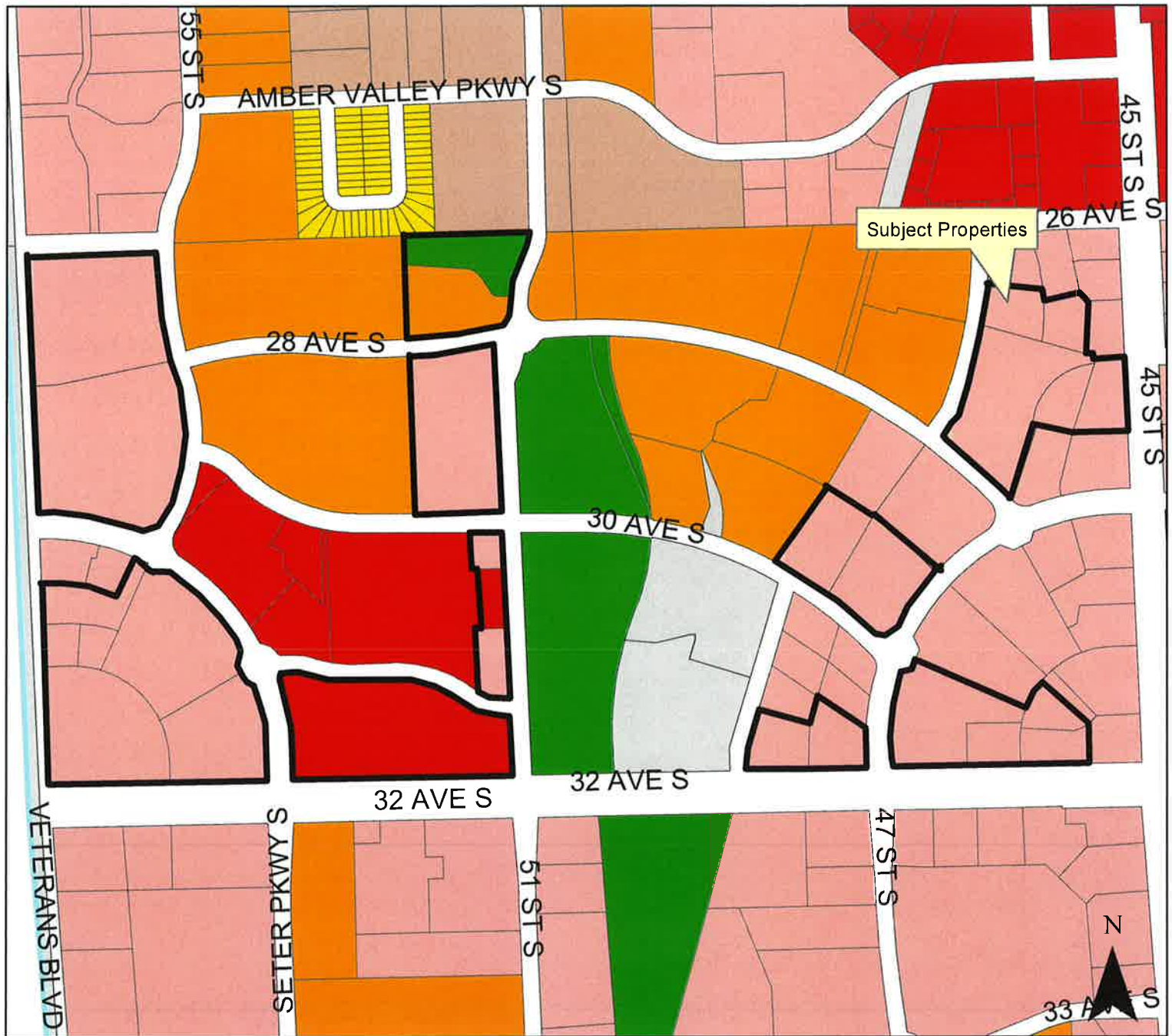
Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission, and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the rezoning Ordinance on first reading, and move to approve the zoning change from GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, and P/I, Public and Institutional, with a C-O, Conditional Overlay, to GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional, with a modified C-O, Conditional Overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Attachments:
<ol style="list-style-type: none">1. Zoning Map2. Location Map3. Existing Conditional Overlay4. Proposed Conditional Overlay Ordinance

Zone Change (Repeal and Re-establish C-O)

4680, 5100 & 5101 28th Ave S; 4651 & 4845 30th Ave S;
 5298 31st Ave S; 4543 & 4737 32nd Ave S; 2911 45th St S;
 2640, 2660, 2720, 2740, 2760 & 2780 47th St S;
 3180 49th St S; 3023, 3057, 3079 & 2701 51st St S;
 2633 & 2867 55th St S; 2907, 2915, 2949, 2975,
 3037 & 3151 Seter Pkwy S; 3050 & 3155 Brandt Dr. S;
 and 4574 Urban Plains Dr. S

Urban Plains Addition



Legend



300
Feet

Fargo Planning Commission
 June 6, 2017

Zone Change (Repeal and Re-establish C-O)

4680, 5100 & 5101 28th Ave S; 4651 & 4845 30th Ave S;
 5298 31st Ave S; 4543 & 4737 32nd Ave S; 2911 45th St S;
 2640, 2660, 2720, 2740, 2760 & 2780 47th St S;
 3180 49th St S; 3023, 3057, 3079 & 2701 51st St S;
 2633 & 2867 55th St S; 2907, 2915, 2949, 2975,
 3037 & 3151 Seter Pkwy S; 3050 & 3155 Brandt Dr. S;
 and 4574 Urban Plains Dr. S

Urban Plains Addition



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4978

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN URBAN PLAINS MEDICAL PARK, URBAN PLAINS BY BRANDT FIRST,
URBAN PLAINS CENTER, URBAN PLAINS REC FACILITY, URBAN PLAINS RETAIL,
URBAN PLAINS NORTHEAST RETAIL, BRANDT PARK, URBAN PLAINS NORTHEAST
RETAIL SECOND, URBAN PLAINS STARION, URBAN PLAINS RECREATIONAL, URBAN
PLAINS RECREATIONAL SECOND, PTP ADDITIONS, URBAN PLAINS BY BRANDT
SECOND ADDITION AND AMBER VALLEY WEST FORTH 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 proposed rezoning of certain parcels of land lying in Urban Plains Medical Park, Urban Plains By Brandt First, Urban Plains Center, Urban Plains Rec Facility, Urban Plains Retail, Urban Plains Northeast Retail, Brandt Park, Urban Plains Northeast Retail Second, Urban Plains Starion, Urban Plains Recreational, Urban Plains Recreational Second, PTP Additions, Urban Plains By Brandt Second Addition and Amber Valley West Forth Addition, Fargo, Cass County, North Dakota; and

WHEREAS, the Fargo Planning Commission approved the rezoning request on February 3, 2015; and

WHEREAS, the rezoning changes were approved by the City Commission on March 2, 2015,

NOW, THEREFORE,

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

Section 1. The following-described property:

All of Urban Plains Medical Park, Urban Plains By Brandt First, Urban Plains Center, Urban Plains Rec Facility, Urban Plains Retail, Urban Plains Northeast Retail, Brandt Park, Urban Plains Northeast Retail Second, Urban Plains Starion, Urban Plains Recreational, Urban Plains Recreational Second and PTP Additions;
and

Lot Two (2) and Lot Three (3), Block One (1) and Blocks Two (2) through Five (5) Urban Plains By Brandt Second Addition to the city of Fargo, Cass County, North Dakota;

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and

Lot Two (2), Block One (1), Amber Valley West Fourth Addition to the city of
Fargo, Cass County, North Dakota;

is hereby rezoned to extinguish any existing “C-O”, Conditional Overlay zoning districts on this
property and to enact a new “C-O”, Conditional Overlay zoning district as follows:

**Part A): The following requirements apply to all mixed-use and non-residential
development:**

1) Description

This C-O, Conditional Overlay district is primarily intended to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.

2) Building form and style

- 2.1 Entrances and pedestrian walkway features leading to entrances shall be provided from both the parking areas and the street right-of-way.
- 2.2 All building elevations/façades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least five feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet.
- 2.3 Ground floor façades of non-residential buildings that face public right-of-way shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of its horizontal length.

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- 2.4 All buildings, regardless of size, shall have clearly-defined, highly-visible, public entrances that connect to public spaces, streets, pedestrian paths and plazas with no fewer than two of the following:
- i. Canopies, awnings or porticos
 - ii. Recesses/projections varying the façade
 - iii. Raised corniced parapets over the door
 - iv. Peaked roof forms
 - v. Arches or arcades
 - vi. Entry courts
 - vii. Raised landscape planters and/or wing walls integrated with the building
- 2.5 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, or glass. All materials shall be commercial grade, durable, and have a multi-generational life span.
- 2.6 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than 10 percent of each building façade.
- 2.7 Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other enclosures. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall.
- 2.8 Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.
- 2.9 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. Dumpsters and refuse containers shall contain

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permanent walls on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers.

3) Site Design

- 3.1 Parking shall be located in the side yard or rear yard of the buildings so as not to be located between the building and the street right-of-way.
- 3.2 A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
- 3.3 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
 - i. Parking lots or parking structures
 - ii. Any public sidewalk or multi-use path along the perimeter of the lot
 - iii. Entrances of other buildings on the site
 - iv. Any public sidewalk system along the perimeter streets adjacent to the development
 - v. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings—where deemed practical and appropriate by the Zoning Administrator

4) Prohibited Uses

For the purposes of this Conditional Overlay, the following uses are prohibited:

- 4.1 Portable advertising signs
- 4.2 Detention facilities
- 4.3 Self-service storage
- 4.4 Vehicle repair
- 4.5 Vehicle service, limited
- 4.6 Industrial uses

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4.7 Adult entertainment center

5) Conditional Uses

For the purposes of this Conditional Overlay, the following uses require approval of a Conditional Use Permit in accordance with Section 20-0909 of the LDC:

5.1 Off-premise advertising

6) Definitions

For the purposes of this Conditional Overlay, the following terms shall have the meanings ascribed to them:

6.1 *Façade*: Any exterior side of a building as viewed from a single direction. Said direction is typically perpendicular to the exterior side of the building being viewed.

6.2 *Depth*: A horizontal distance that is perpendicular to a building façade.

6.3 *Elevation*: A horizontal orthographic projection of a building on to a vertical plane, the vertical plane being parallel to one side of the building

Part B): The following requirements apply to all residential development:

1) Description

This C-O, Conditional Overlay district is primarily intended to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.

2) Building form and style

2.1 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Horizontal metal lap siding and vertical metal batten shall be allowed on residential structures but should not exceed 75% of the building elevation.

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2.2 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than 10 percent of each building façade.

2.3 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by walls or fencing. Dumpsters and refuse containers shall contain walls or fencing on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers.

3) Site Design

3.1 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- vi. Parking lots or parking structures
- vii. Any public sidewalk or multi-use path along the perimeter of the lot
- viii. Entrances of other buildings on the site
- ix. Any public sidewalk system along the perimeter streets adjacent to the development
- x. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings—where deemed practical and appropriate by the Zoning Administrator.

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.

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

s/
Timothy J. Mahoney, Mayor

(SEAL)

Attest:

s/
Steven Sprague, City Auditor

First Reading: 3-2-15
Second Reading: 3-16-15
Final Passage: 3-16-15

439-6

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING A CONDITIONAL
OVERLAY DISTRICT ON CERTAIN PARCELS OF LAND
LYING IN URBAN PLAINS BY BRANDT 1ST ADDITION, URBAN PLAINS
BY BRANDT 2ND ADDITION, URBAN PLAINS MEDICAL PARK
ADDITION, URBAN PLAINS RETAIL ADDITION, URBAN PLAINS
CENTER ADDITION, URBAN PLAINS NORTHEAST RETAIL ADDITION,
AND URBAN PLAINS NORTHEAST RETIAL 2ND ADDITION,
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 Urban Plains by Brandt 1st Addition, Urban Plains by Brandt 2nd Addition, Urban Plains Medical Park Addition, Urban Plains Retail Addition, Urban Plains Center Addition, Urban Plains Northeast Retail Addition, and Urban Plains Northeast Retail 2nd Addition, Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on June 6, 2017; and,

WHEREAS, the rezoning changes were approved by the City Commission on July 3, 2017; and,

WHEREAS, it is intended by this ordinance that the base zoning districts applicable to the property described herein shall remain unchanged and that the intended effect hereof is to repeal one or more a "C-O", Conditional Overlay, District and to re-enact and re-establish a modified version of a "C-O", Conditional Overlay, District;

NOW, THEREFORE,

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

Section 1. The following described property:

Lot One (1), Block Four (4), Lots Two (2) through Four (4), Block Five (5) and Lots Three (3) through Four (4), Block Eight (8) of Urban Plains by Brandt 1st Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned to retain the base zoning district for said property and to repeal and re-enact the "C-O", Conditional Overlay, District such that the re-enacted "C-O", Conditional Overlay, District be, and hereby is, as set forth in Section 8 of this ordinance, below,

Section 2. The following described property:

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Lots Two (2) through Three (3), Block One (1), Lot Two (2), Block Two (2), Lot One (1), Block Three (3), Lots Two (2) through Three (3), Block Five (5), and

Lot 1, Block 5 of Urban Plains by Brandt Second Addition, LESS the Parcels A and B, described more fully below:

PARCEL A: A parcel of land lying within the northerly 212.00 feet of Lot 1, Block 5 of URBAN PLAINS BY BRANDT SECOND ADDITION to the City of Fargo as files on record at the Office of the Recorder, Cass County, North Dakota, more particularly described as follows:

Commencing at the southwest corner of said Lot 1; thence North 02 degrees 28 minutes 56 seconds West, (Basis of Bearing is said Plat) along the west lien of said Lot 1, a distance of 400.09 feet to the northwest corner of said Lot 1; thence easterly along the north line of said Lot 1 and on a curve concave to the south, for a distance of 284.26 feet, said curve having a radius or 980.22 feet; an interior angle of 16 degrees 36 minute 56 seconds, and chord bearing South 84 degrees 13 minutes 59 seconds East to the POINT OF BEGINNING; thence continue easterly along said north line and on a curve concave to the south, for a distance of 160.16 feet, said curve having a radius of 980.22 feet; an interior angle of 09 degrees 21 minutes 42 seconds, and chord bearing South 71 degrees 14 minutes 39 seconds East; thence easterly along said north line and on a reverse curve concave to the north, for a distance of 4.85 feet, said curve having a radius of 5000.00 feet, an interior angle of 00 degrees 03 minutes 20 seconds, and chord bearing South 66 degrees 35 minutes 28 seconds East; thence South 23 degrees 43 minutes 13 seconds West, a distance of 212.00 feet to a point on a non-tangent curve; thence westerly 129.32 feet on said curve concave to the south, said curve having a radius of 768.22 feet; an interior angle of 09 degrees 38 minutes 43 seconds. And chord bearing North 71 degrees 06 minutes 09 seconds West; thence North 14 degrees 04 minutes 29 seconds East, a distance of 212.00 feet to the POINT OF BEGINNING. [Said parcel containing 31,200 square feet, more or less, and being described on that certain instrument recorded at the office of the Recorder, County of Cass and State of North Dakota as Document Number 1424729]; and,

PARCEL B: A parcel of land lying within the northerly 212.00 feet of Lot 1, Block 5, of URBAN PLAINS BY BRANDT SECOND ADDITION to the City of Fargo as filed and on record at the Office of the Recorder, Cass County, North Dakota, more particularly described as follows:

Commencing at the southwest corner of said Lot 1; thence North 02 degree 28 minutes 56 seconds West (Basis of Bearing is said Plat) along the west line of said Lot 1, a distance of 400.09 feet to the northwest corner of said Lot 1 and the POINT OF BEGINNING; thence easterly along the north line of said Lot 1 and on a curve concave

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to the south, for a distance of 284.26 feet, said curve having a radius of 980.22 feet; an interior angle of 16 degrees 36 minutes 56 seconds, and chord bearing South 84 degrees 13 minutes 59 seconds East; thence South 14 degrees 04 minutes 29 seconds West, a distance of 212.00 feet to a point on a non-tangent curve; thence westerly 223.00 feet on said curve concave to the south, having a radius of 768.22 feet; an interior angle of 16 degrees 37 minutes 55 seconds, and chord bearing North 84 degrees 14 minutes 28 seconds West to a point on the west line of said Lot 1; thence North 02 degrees 28 minutes 56 seconds West, along said west line, a distance of 212.00 feet to the POINT OF BEGINNING. [Said parcel containing 53,770 square feet, more or less, and being described on that certain instrument recorded at the office of the Recorder, County of Cass and State of North Dakota as Document Number Document #1425726]

is hereby rezoned to retain the base zoning district for said property and to repeal and re-enact the "C-O", Conditional Overlay, District such that the re-enacted "C-O", Conditional Overlay, District be, and hereby is, as set forth in Section 8 of this ordinance, below:

Section 3. The following described property:

Lots Five (5) through Six (6), Block One (1) of Urban Plains Medical Park Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned to retain the base zoning district for said property and to repeal and re-enact the "C-O", Conditional Overlay, District such that the re-enacted "C-O", Conditional Overlay, District be, and hereby is, as set forth in Section 8 of this ordinance, below,

Section 4. The following described property:

Lots Seven (7) through Ten (1), Block One (1) of Urban Plains Retail Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned to retain the base zoning district for said property and to repeal and re-enact the "C-O", Conditional Overlay, District such that the re-enacted "C-O", Conditional Overlay, District is as set forth in Section 8 of this ordinance, below,

Section 5. The following described property:

Lots One (1) through Three (3), Block Three (3) and Lot One (1), Block Four (4) of Urban Plains Center Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned to retain the base zoning district for said property and to repeal and re-enact the "C-O", Conditional Overlay, District such that the re-enacted "C-O", Conditional Overlay, District be, and hereby is, as set forth in Section 8 of this ordinance, below,

Section 6. The following described property, Parcels C, D and E:

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(C) Those parts of Lots 3 and 4, Block 1 of Urban Plains Northeast Retail Addition to the City of Fargo, Cass County, North Dakota more particularly described as follows:

Beginning at the northeast corner of said Lot 4; thence South 89 degrees 53 minutes 46 seconds West (based on the east line of said Lot 4 having a bearing of South 02 degrees 28 minutes 19 seconds East) for a distance of 142.80 feet; thence South 02 degrees 28 minutes 19 seconds East for a distance of 26.86 feet; thence South 17 degrees 59 minutes 51 seconds West for a distance of 341.34 feet to the northwest corner of Lot 5 of said Block 1; thence North 87 degrees 30 minutes 32 seconds East on the north line of said Lot 5; thence North 02 degrees 28 minutes 19 seconds West on said east line of Lot 4 for a distance of 340.66 feet to the point of beginning;

(description obtained from Doc. No. 1274443, Cass County Recorder); AND,

(D) That part of Lot Four (4), Block One (1) of Urban Plains Northeast Retail Addition to the City of Fargo, Cass County, North Dakota, being further described as follows:

Commencing at the northeast corner of said Lot 4; thence South 89 degrees 53 minutes 46 seconds West (based on the east line of said Lot 4 having a bearing of South 02 degrees 28 minutes 19 seconds East) for a distance of 142.80 feet; thence South 02 degrees 28 minutes 19 seconds East for a distance of 26.86 feet to the point of beginning; thence South 17 degrees 59 minutes 51 seconds West for a distance of 341.34 feet to the northwest corner of said Lot 5 of said Block 1; thence northwesterly 198.58 feet on the arc of non-tangential curve concave to the northeast, said curve having a central angle of 13 degrees 35 minutes 08 seconds, a radius on 837.50 feet, a chord length of 198.12 feet and a chord bearing of North 78 degrees 31 minutes 15 seconds West; thence North 17 degrees 43 minutes 36 seconds East for a distance of 30.84 feet; thence northeasterly 415.92 feet on the arc of non-tangential curve concave to the southeast, said curve having a central angle of 74 degrees 57 minutes 10 seconds, a radius of 317.94 feet, a chord length of 386.89 and a chord bearing of North 48 degrees 36 minutes 17 seconds East to the point of beginning;

(description obtained from Doc. No. 1247738, Cass County Recorder); AND,

(E) That part of Lot 4, Block 1 of Urban Plains Northeast Retail Addition to the City of Fargo, Cass County, North Dakota more particularly described as follows:

Commencing at the northeast corner of said Lot 4; thence South 89 degrees 53 minutes 46 seconds West (based on the east line of said Lot 4 having a bearing of South 02 degrees 28 minutes 19 seconds East) for a distance of 142.80 feet; thence South 02

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degrees 28 minutes 19 seconds East for a distance of 26.86 feet; thence South 17 degrees 59 minutes 51 seconds West for a distance of 341.34 feet to the northwest corner of Lot 5 of said Block 1 and the point of beginning; thence northwesterly 171.58 feet on the arc of non-tangential curve concave to the northeast, said curve having a central angle of 11 degrees 44 minutes 18 seconds, a radius of 837.50 feet, a chord length of 171.28 feet and a chord bearing of South 79 degrees 26 minutes 41 seconds East; thence South 17 degrees 43 minutes 36 seconds West for a distance of 369.29 feet to the south line of said Lot 4; thence along said south line southeasterly 97.54 feet on the arc of non-tangential curve concave to the northeast, said curve having a central angle of 62 degrees 05 Minutes 34 Seconds, a radius of 90.00 feet, a chord length of 92.83 feet and a chord bearing of South 78 Degrees 49 Minutes 31 seconds East; thence continuing along said south line northeasterly 141.60 feet on the arc of a curve concave to the southeast, said curve having a central angle of 06 degrees 22 minutes 19 seconds, a radius of 1273.31 feet, a chord length of 141.53 feet and a chord bearing of North 73 degrees 18 minutes 52 seconds East to the southwest corner of said Lot 5; thence northerly along the west line of said Lot 5 for a distance of 80.59 feet on the arc of non-tangential curve concave to the east, said curve having a central angle of 27 degrees 23 minutes 39 seconds, a radius of 168.55 feet, a chord length of 79.82 feet and a chord bearing of North 00 degrees 11 minutes 50 seconds East; thence continuing along said west line North 13 degrees 53 minutes 39 seconds East for a distance of 224.48 feet to the point of beginning;

(description obtained from Doc. No. 1306364, Cass County Recorder) are hereby rezoned to retain the base zoning district for said property and to repeal and re-enact the "C-O", Conditional Overlay, District such that the re-enacted "C-O", Conditional Overlay, District be, and hereby is, set forth in Section 8 of this ordinance, below,

Section 7. The following described property:

Lots Two (2) through Three (3), Block One (1) of Urban Plains Northeast Retail 2nd Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned to retain the base zoning district for said property and to repeal and re-enact the "C-O", Conditional Overlay, District such that the re-enacted "C-O", Conditional Overlay, District be, and hereby is, as set forth in Section 8, below:

Section 8. The "C-O", Conditional Overlay, District terms are as follows:

Part A): The following requirements apply to all mixed-use and non-residential development:

1) Description

This C-O, Conditional Overlay district is primarily intended to encourage high-

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quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.

2) Building form and style

2.1 Entrances and pedestrian walkway features leading to entrances shall be provided from both the parking areas and the street right-of-way.

2.2 All building elevations/façades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least five feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet.

2.3 Ground floor façades of non-residential buildings that face public right-of-way shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of its horizontal length.

2.4 All buildings, regardless of size, shall have clearly-defined, highly-visible, public entrances that connect to public spaces, streets, pedestrian paths and plazas with no fewer than two of the following:

- i. Canopies, awnings or porticos
- ii. Recesses/projections varying the façade
- iii. Raised corniced parapets over the door
- iv. Peaked roof forms
- v. Arches or arcades
- vi. Entry courts
- vii. Raised landscape planters and/or wing walls integrated with the building

2.4 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick,

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, or glass. All materials shall be commercial grade, durable, and have a multi-generational life span.

1 2.5 Accent Materials – In conjunction with the principle materials listed above, the following
2 accent materials may also be used to construct or clad exterior walls: finished wood,
3 architectural metal panels, and vinyl. Accent materials shall be applied to no greater
4 than 10 percent of each building façade.

5 2.6 Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed
6 from public view at ground level by parapets or other enclosures. The average height of
7 such parapets shall not exceed fifteen percent of the height of the supporting wall.

8 2.7 Loading/unloading areas, building service entrances, loading docks, overhead doors, and
9 ground level HVAC units shall be visually screened from adjacent public right-of-way
10 by structures and/or landscaping. All structures used for visual screening shall be
11 constructed or clad with the same materials used for the primary building.

12 2.8 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or
13 rear of buildings and shall be visually screened from adjacent public right-of-way by
14 permanent walls. The permanent walls shall be constructed or clad with the same
15 materials used for the primary building. Dumpsters and refuse containers shall contain
16 permanent walls on at least three sides with the service opening not directly facing
17 any public right-of-way or residentially zoned property. The fourth side shall
18 incorporate a metal gate to visually screen the dumpsters or refuse containers.

19 3) Site Design

20 3.1 A minimum of 5% of the internal surface area of the parking lot shall be
21 landscaped through the use of planter islands and peninsulas.

22 3.2 Separate vehicular and pedestrian circulation systems shall be provided. An on-
23 site system of pedestrian walkways shall be provided between building entrances
and the following:

- i. Parking lots or parking structures
- ii. Any public sidewalk or multi-use path along the perimeter of the lot
- iii. Entrances of other buildings on the site
- iv. Any public sidewalk system along the perimeter streets adjacent to the development

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

- v. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings— where deemed practical and appropriate by the Zoning Administrator

4) Prohibited Uses

For the purposes of this Conditional Overlay, the following uses are prohibited:

4.1 Portable advertising signs

4.2 Detention facilities

4.3 Self-service storage

4.4 Vehicle repair

4.5 Vehicle service, limited

4.6 Industrial uses

4.7 Adult entertainment center

5) Conditional Uses

For the purposes of this Conditional Overlay, the following uses require approval of a Conditional Use Permit in accordance with Section 20-0909 of the LDC:

5.1 Off-premise advertising

6) Definitions

For the purposes of this Conditional Overlay, the following terms shall have the meanings ascribed to them:

6.1 *Facade*: Any exterior side of a building as viewed from a single direction. Said direction is typically perpendicular to the exterior side of the building being viewed.

6.2 *Depth*: A horizontal distance that is perpendicular to a building façade.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

6.3 *Elevation*: A horizontal orthographic projection of a building on to a vertical plane, the vertical plane being parallel to one side of the building

Part B): The following requirements apply to all residential development:

1) Description

This C-O, Conditional Overlay district is primarily intended to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.

2) Building form and style

2.1 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Horizontal metal lap siding and vertical metal batten shall be allowed on residential structures but should not exceed 75% of the building elevation.

2.2 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than 10 percent of each building façade.

2.3 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by walls or fencing. Dumpsters and refuse containers shall contain walls or fencing on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers.

3) Site Design

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

3.1 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- i. Parking lots or parking structures
- ii. Any public sidewalk or multi-use path along the perimeter of the lot
- iii. Entrances of other buildings on the site
- iv. Any public sidewalk system along the perimeter streets adjacent to the development
- v. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings— where deemed practical and appropriate by the Zoning Administrator.

Section 9. 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.

Section 10. This ordinance shall be in full force and effect from and after its passage and approval.

Timothy J. Mahoney, Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FROM: PLANNING DIRECTOR JIM GILMOUR
DATE: JUNE 28, 2017

SUBJECT: TAX INCREMENT FINANCING AMENDMENT – C-1 TIF DISTRICT

The Planning and Development Department prepared an amendment to the Renewal Plan for the C-1 TIF District. This amendment is attached for your review, along with a resolution to adopt the plan amendment.

This plan amendment ends the TIF District and allocates the money in the TIF fund to other parking related activities.

A public hearing is part of the review process of Renewal Plan amendments.

RECOMMENDED MOTION: Approve the Resolution adopting the Renewal Plan Amendment for the C-1 TIF District.



RESOLUTION
BOARD OF CITY COMMISSIONERS OF THE
CITY OF FARGO

TAX INCREMENT FINANCING DISTRICT C-1

Commissioner _____ moved for approval of the following:

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

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

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

1. That one or more slum or blighted areas, or areas consisting of industrial or commercial property, or a combination of those areas of properties, exist in the City of Fargo.
2. That the development, rehabilitation, conservation or redevelopment, or a combination thereof, of the area contained within the Renewal Plan for Tax Increment Financing District C-1, is necessary in the interest of public health, safety, morals or welfare of the residents of the City of Fargo and will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the rehabilitation or redevelopment of the development area by private enterprise.
3. That there are no persons living in residential buildings who will be displaced by the amended plan activities.
4. That the area designated as the Renewal Plan for Tax Increment Financing District C-1 is appropriate for these amended activities.
5. That such development, rehabilitation, conservation or redevelopment of the area contained in the Renewal Plan for Tax Increment Financing District C-1 requires the powers and authority granted in Chapter 40-58 NDCC.
6. That the amendment to the Renewal Plan for Tax Increment Financing District C-1 is hereby officially adopted by the Board.
7. That the appropriate staff be directed to request the County Auditor and Treasurer to compute, certify and remit tax increments resulting from the development or renewal of the area in accordance with the plan and any modifications thereof, and that the County Auditor and Treasurer shall do so in accordance with this section.

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

C-1 TIF Plan Amendment to Activities

History

The C-1 Renewal Plan and TIF District were approved in 1980. TIF funds were used, in part, to demolish buildings and encourage new development. The initial value of property in the TIF district was \$2,846,200. Two new buildings were constructed in the TIF District, the Dakota Building located at 51 Broadway, and the Wells Fargo Bank building located at 500 Main Avenue.

1999 Amendment

The TIF District was amended in 1999 to expand the boundary and add two activities. One activity was a new parking ramp and the other was the acquisition and redevelopment of property on NP Avenue.

The Island Park Ramp was constructed, providing 355 parking spots. Bond proceeds were used to construct the ramp, and some TIF funds were used for the construction. TIF funds paid for a portion of the bond payments. The rest of the bond payment money was from parking income from the facility and special assessments to the two banks using the facility.

The acquisition and redevelopment of property on NP Avenue did not occur. The property owners did not want to sell their property to the city.

Existing TIF District as of 2017

The value of property in the TIF District is now \$21,735,000. Bonds for the construction of the ramp are fully paid. The balance in the TIF fund is \$1,118,553.98.

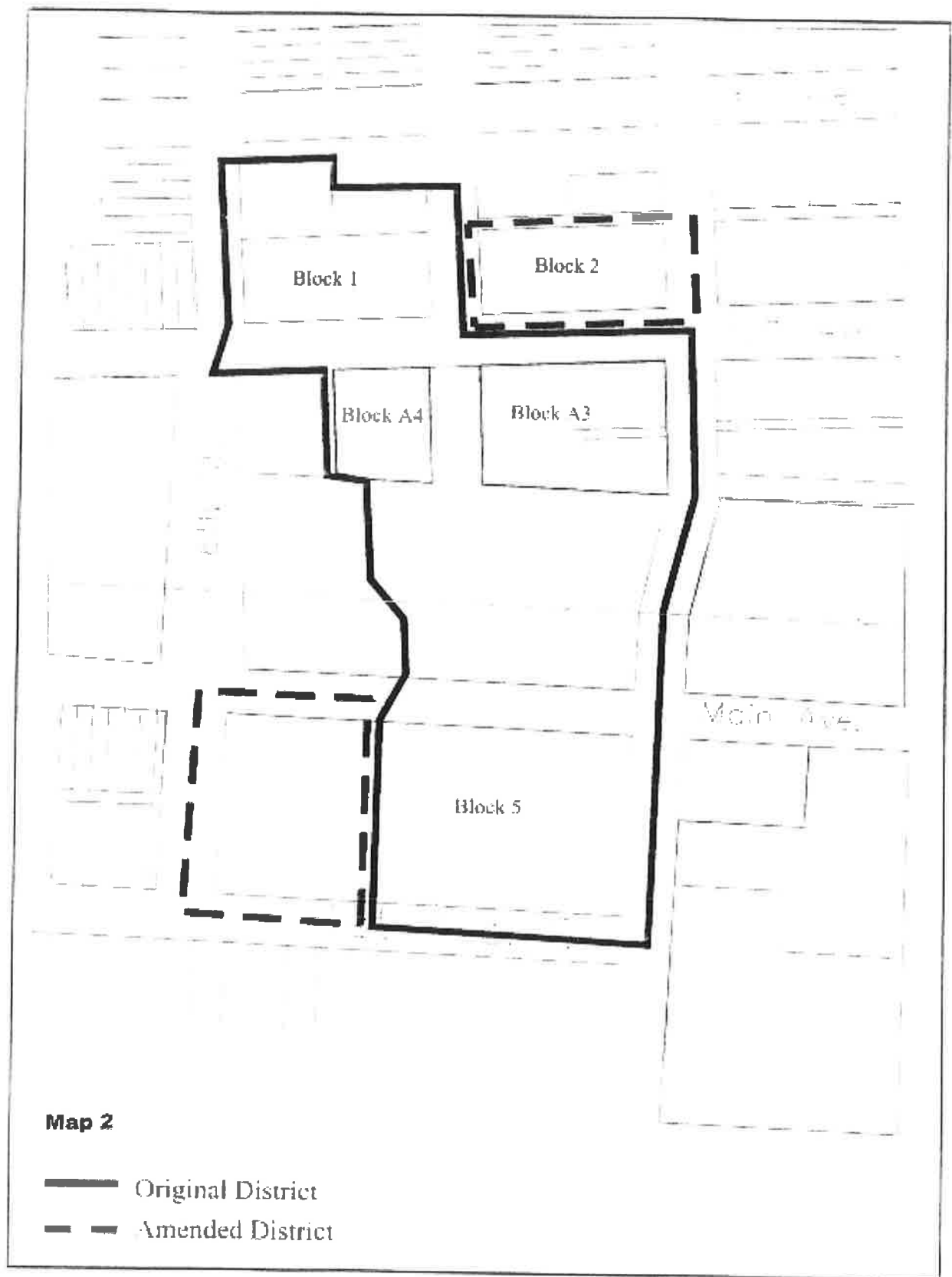
2017 Amendment (Proposed)

Four activities have been identified as an appropriate use of the remaining TIF balance. They are as follows:

1. Repairs to the Island Park Ramp. A condition assessment was recently prepared that identified \$200,000 of repair work needed. The work should be completed as soon as possible.
2. Purchase of Land. At the time the ramp was constructed, the city leased land from the two adjacent banks. The agreement between the City and the Banks is that the city will purchase the land for its appraised value in 2020. While no appraisal has been prepared, an estimate for planning purposes is \$450,000. TIF funds would allow the City to offer to purchase the land in the next year.
3. Parking control equipment. Present equipment does not allow for hourly parking. The existing system is functional, but will need to be replaced at some point in the future. The parking operator, Interstate Parking, has recommended a change to an "open gate" system with pay stations. The estimated cost of the pay stations is \$15,000.
4. Ground Transportation Center renovation. A recent condition assessment of the underground parking within the Ground Transportation Center identified over \$472,000 in repairs as high or medium priority. After paying the estimated cost of the other three needs, about \$453,140 could be available for these repairs.


Completion of the TIF District

State Law requires that this TIF District end, as all debts (parking bonds) have been paid. This amendment will end the TIF District as current debt is paid.



MEMORANDUM

**TO: FARGO SCHOOL DISTRICT
CASS COUNTY
FARGO PARK DISTRICT**

FROM: JIM GILMOUR, DIRECTOR OF PLANNING AND DEVELOPMENT 

DATE: JUNE 16, 2017

SUBJECT: TAX INCREMENT FINANCING PLAN AMENDMENTS

The Planning and Development Department has prepared two Renewal Plan Amendments for TIF Districts in downtown Fargo. Proposed amendments to the Renewal Plans are enclosed for your review. A summary of each is below.

Great Northern District

This amendment would remove a small parcel from the TIF District. The parcel is overlapping a new TIF District, so the purpose of this amendment is to eliminate the overlap. The parcel is part of a surface parking lot.

The parcel has a value of \$19,700. I estimate that the removal of this parcel from the TIF District would increase the amount of property taxes paid to local governments by up to \$256 a year. The estimated annual tax increment by taxing jurisdiction is \$133 for the Fargo School District, \$45 for Cass County, and \$25 for the Fargo Park District.

C-1 TIF District

State Law requires that this TIF District end, as all debts (parking bonds) have been paid. This amendment will end the TIF District as current debt is paid, and remaining funds would pay for land acquisition under the parking ramp.

I estimate that the removal of this parcel from the TIF District would increase the amount of property taxes paid to local governments by \$245,554 a year. The estimated annual tax increment by taxing jurisdiction is \$127,396 for the Fargo School District, \$43,547 for Cass County, and \$23,616 for the Fargo Park District.



The C-1 Renewal Plan and TIF District were approved in 1980. TIF funds were used, in part, to demolish buildings and encourage new development. The initial value of property in the TIF District was \$2,846,200. Two new buildings were constructed in the TIF District – the Dakota Building located at 51 Broadway, and the Wells Fargo Bank Building located at 500 Main Avenue.

The TIF District was amended in 1999 to expand the boundary and add two activities. One activity was a new parking ramp, and the other was the acquisition and redevelopment of property on NP Avenue. The Island Park Ramp was constructed, providing 355 parking spots. Acquisition of property on NP Avenue did not occur.

Value of property in the TIF District is now \$21,735,000. Bonds for the construction of the ramp are fully paid. The balance in the TIF fund is \$1,118,553.98. Four activities are identified as an appropriate use of the remaining TIF balance, and they are described in the plan amendments.

Hearing Notice

Public hearings on the plan amendments are scheduled for 5:15 pm on Monday, July 3, 2017 at the Fargo City Hall. You are invited to participate in the public hearing.

If you have any questions or concerns, please feel free to contact me at 241-1476.

Attachments



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: PLANNING DIRECTOR JIM GILMOUR 

DATE: JUNE 28, 2017

SUBJECT: TAX INCREMENT FINANCING AMENDMENT – GN DEPOT

The Planning and Development Department prepared an amendment to the Renewal Plan for the GN Depot TIF District. This amendment is attached for your review, along with a resolution to adopt the plan amendment.

This plan amendment removes a small parcel that overlaps another TIF District.

A public hearing is part of the review process of Renewal Plan amendments.

RECOMMENDED MOTION: Approve the Resolution adopting the Renewal Plan Amendment for the GN Depot TIF District.



RESOLUTION
BOARD OF CITY COMMISSIONERS OF THE
CITY OF FARGO

TAX INCREMENT FINANCING DISTRICT GN DEPOT

Commissioner _____ moved for approval of the following:

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

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

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

1. That one or more slum or blighted areas, or areas consisting of industrial or commercial property, or a combination of those areas of properties, exist in the City of Fargo.
2. That the development, rehabilitation, conservation or redevelopment, or a combination thereof, of the area contained within the Renewal Plan for Tax Increment Financing District GN Depot, is necessary in the interest of public health, safety, morals or welfare of the residents of the City of Fargo and will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the rehabilitation or redevelopment of the development area by private enterprise.
3. That there are no persons living in residential buildings who will be displaced by the redevelopment.
4. That the area designated as the Renewal Plan for Tax Increment Financing District GN Depot is appropriate for a development project.
5. That such development, rehabilitation, conservation or redevelopment of the area contained in the Renewal Plan for Tax Increment Financing District GN Depot requires the powers and authority granted in Chapter 40-58 NDCC.
6. That the amendment to the Renewal Plan for Tax Increment Financing District GN Depot is hereby officially adopted by the Board.
7. That the appropriate staff be directed to request the County Auditor and Treasurer to compute, certify and remit tax increments resulting from the development or renewal of the area in accordance with the plan and any modifications thereof, and that the County Auditor and Treasurer shall do so in accordance with this section.

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

Great Northern TIF Plan

Amendment to Boundary

The renewal plan for the Great Northern Depot was prepared to provide assistance for the redevelopment of the Great Northern Depot.

When the plan was approved, the depot was in very poor condition. Without redevelopment, it was expected to be demolished. With the use of TIF incentives, the building was remodeled into a restaurant. It is now Great Northern Cycles, a bicycle store and shop.

The TIF district consists of two parcels. The main parcel is a 66,452 square foot parcel that includes the depot building, which is the source of the tax increment. A second parcel is a small 3,547 portion of a parking lot, which was part of the larger depot parcel when the TIF district was created by the City. Locations of these parcels are included on the attached map.

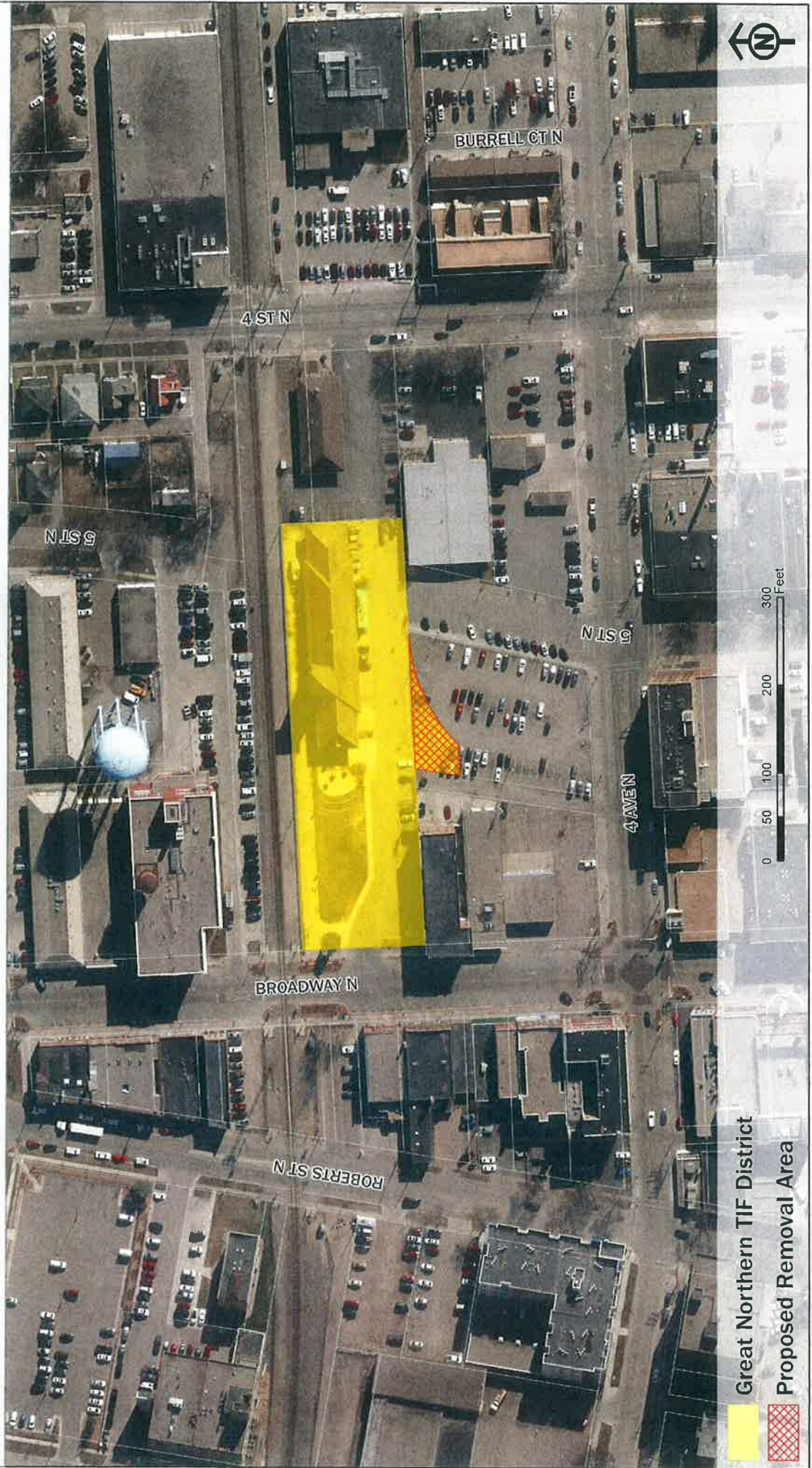
This small parcel was also included in a TIF district created in 2015 (District 2015-02). District 2015-02 was created for a proposed mixed-use development on the northeast corner of Broadway and 4th Avenue North. Plans for the site include private development and a city parking facility.

It does not work for a parcel to be in two different TIF Districts, so this amendment would remove the small parcel from the Great Northern TIF District.

Amendment

The parcel defined with the address 412 5th Street North is removed from the Great Northern TIF district. The legal description is attached.

Great Northern TIF District Modification Proposal



General Information

Segment Id: 1
 Owner 1: DFI MERCANTILE LLC
 Owner 2:
 Property Address: 412 5 ST N
 Mailing Address: 210 BROADWAY N STE 300 FARGO, ND 58102
 Addition Name: Great Northern Depot
 Block: 1
 Lot: PT OF B DESC AS FOLL: BEG AT THE SW COR OF SD LT B; THEN N 11 DEG 23 MIN 24 SEC E , ON ASSMD BRG, ON THE W LN OF SD LT B A DIST OF 51.00 FT; THEN N 90 DEG 00 MIN 00 SEC E A DIST OF 152.40 FT TO THE SLY LN OF SD LT B; THEN SWLY ON THE SLY LN OF SD LT B, ON A CURVE CONC TO THE SE A DIST OF 140.05 FT, HAVING A RAD OF 196.70 FT, A CENT ANGLE OF 40 DEG 47 MIN 42 SEC, & A CHD WHICH BEARS S 68 DEG 36 MIN 54 SEC W A DIST OF 137.11 FT; THEN N 90 DEG 00 MIN 00 SEC W ON SD S LN A DIST OF 34.80 FT TO THE PT OF BEG

Additional Description:

*12/22/95 SPL/FR 1040-00100 & 1040-00500 *10/12/06 SPL/FR 01-1040-00020-000

Estimated Flood Stage Levels For River Flooding:

If your property is outside the city limits or your property and structure are not affected by a 25 to 44 foot flood stage data will be not available (N/A).

Property may be affected by an approximate flood stage of 42 or higher.

Structure may be affected by an approximate flood stage of N/A or higher.

Please note that this approximation does not take into account any local issues such as ice and debris jams or localized flooding from intense rainfall events.

District Information

Cass School District: 1
 Elem. School District: HoraceMann

Property Valuation

	Land	Improvements	Total
Current Appraised Value:	\$14,000.00	\$5,700.00	\$19,700.00

Building Information

Year Built:	No. of Apartment Units:
Total Building SqFt: N/A	Residential Story Height: ()

Lot Size

Front Width: 0.00	Land Use: C (Commercial)
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DISCLAIMER: The City of Fargo provides property information to the public "as is" without warranty of any kind, expressed or implied. Assessed values are subject to change by the City of Fargo. In no event will the City of Fargo be liable to anyone for damages arising from the use of the property data. You assume responsibility for the selection of data to achieve your intended results, and for the installation and use of the results obtained from the property data.

Assessment records are for the sole purpose of identifying the land being taxed. In some cases to attain efficiency, Assessment Department legal descriptions may be shortened yet will retain sufficient information to identify the land. Since tax statements and records are not deeds and may contain abbreviated descriptions, they should not be used as a basis for a survey or a legal document and should not be used by surveyors or others as the primary source of a property description.

Back Width:

Depth Side 1: 0.00

Depth Side 2:

Property Type: 62 (Parking Ramp/Lot)

Square Footage: 3547.00

Zoning

Zone 1: DMU

Zone 2:

Conditional Use Permit:

Planned Unit Devel #:

Planned Unit Devel Date:

Conditional Overlay Number:

Conditional Overlay Date:

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Assessment records are for the sole purpose of identifying the land being taxed. In some cases to attain efficiency, Assessment Department legal descriptions may be shortened yet will retain sufficient information to identify the land. Since tax statements and records are not deeds and may contain abbreviated descriptions, they should not be used as a basis for a survey or a legal document and should not be used by surveyors or others as the primary source of a property description.


TIF District
(2015-02)

8/3/2015 3:09:28 PM



**MEMORANDUM**

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: JUNE 27, 2017

SUBJECT: APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION

Andrew Nielsen, who serves on the Historic Preservation Commission, has resigned his position. His term would have expired on October 31, 2019.

I am recommending the appointment of Mike Dawson to fill the vacancy created by the resignation of Mr. Nielsen. Mr. Dawson's appointment to the Board will expire on October 31, 2019. A web application for Mr. Dawson is attached for your reference.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: Approve the appointment of Mike Dawson to the Historic Preservation Commission to fill the unexpired term of Andrew Nielsen for a term ending October 31, 2019.

mmappt17hpc

Kember Anderson

From: noreply@cityoffargo.com
Sent: Thursday, June 22, 2017 10:16 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:

[Mike Dawson]

Mailing Address:

[614 8th st s]

City:

[Fargo]

State:

[North Dakota]

Zip:

[58103]

Work Phone:

[7013715860]

Home Phone:

[BLANK]

E-mail:

[Mike.dawson.1186@gmail.com]

Which boards or commissions would you like to be considered for?

[Historic Preservation Commission]

Briefly state why you would like to be on this panel:

[I have an interest in Fargo's history, particularly as it relates to its architecture. As a Fargo native and current resident of the Hawthorne neighborhood, I would like to contribute my efforts to ensure Fargo's history is both preserved and enriched as the city continues to develop.]

How many hours per month could you volunteer as a panel member?

[As many as necessary]

Please list any past experience you have with city government here or in other cities:

[I have not had any prior experience with city government.]

Please describe any professional experience you have related to the responsibilities of the panel you are interested in:

[I currently work at an architecture firm which specializes in residential design and construction. I have worked on several projects within various historical overlays and am familiar with the intent of the HPC.]

If you have a resume you would like to submit, please paste it below.

[BLANK]

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

(446)

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: JUNE 28, 2107

SUBJECT: HUMAN RELATIONS COMMISSION APPOINTMENT

Keith Bjornson, who serves on the Human Relations Commission, has resigned his position. His term would have expired on July 1, 2018.

I am recommending the appointment of Cheryl Schaeffe to fill the vacancy created by the resignation of Mr. Bjornson. Ms. Schaeffe's appointment to the Board will expire on July 1, 2018. A web application for Ms. Schaeffe is attached for your reference.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the appointment of Cheryl Schaeffe to the Human Relations Commission to fill the unexpired term of Keith Bjornson for a term ending July 1, 2018.

Attachments
mmappts17hrc

Kember Anderson

From: noreply@cityoffargo.com
Sent: Wednesday, May 31, 2017 3:10 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:

[Cheryl Schaeffle]

Mailing Address:

[3023 Dakota Park Circle South]

City:

[Fargo]

State:

[North Dakota]

Zip:

[58104]

Work Phone:

[701-306-5845]

Home Phone:

[701-306-5845]

E-mail:

[CSchaeffle@aol.com]

Which boards or commissions would you like to be considered for?

[Human Relations Commission]

Briefly state why you would like to be on this panel:

[I am a native North Dakotan who lived in Fargo from 1986 to 2004. In 2016, I retired from the U.S. Foreign Service and moved back to Fargo. During my time in the Foreign Service, I lived and served in Haiti, Austria, and China and had the opportunity to travel to Jordan, Kosovo, India, and other countries. This gave me the opportunity to observe a broad spectrum of human rights and abuses. I also worked as an ad hoc Equal Employee Opportunity (EEO) Counselor at the U.S. missions in Vienna and Beijing for which I was trained in Federal discrimination law. Strengthening Human Relations is an important endeavor in which I would like to play a part. I believe with my international and professional experience I have unique qualifications that would benefit the Human Relations Commission and our community.]

How many hours per month could you volunteer as a panel member?

[I am retired and my time is very flexible.]

Please list any past experience you have with city government here or in other cities:

[I do not have city government experience, but do have community experience after having served in many different positions in the embassy communities in which I served.]

Please describe any professional experience you have related to the responsibilities of the panel you are interested in:

[I served as an ad hoc EEO Counselor in the U.S. missions in Vienna and Beijing. In this position, I received intensive initial training in Federal discrimination law and yearly refresher courses.]

If you have a resume you would like to submit, please paste it below.

[CHERYL SCHAEFLE 3023 Dakota Park Circle South Fargo ND 58104 701-306-5845 PROFESSIONAL EXPERIENCE: U.S. Embassy Beijing - Public Affairs Section -- August 2013 - February 2016 Office Management Specialist (OMS) in the Public Affairs Section provided administrative support for a section of 15 direct hire American employees and 60 Locally Employed Staff (LES) and Eligible Family Members (EFM). Assisted with coordination of Public Diplomacy activities at the five Consulates of Mission China: Chengdu, Guangzhou, Shanghai, Shenyang, and Wuhan. Managed Minister Counselor's daily schedule, including arranging appointments, booking transportation, submitting access requests, and other logistical support. Coordinated logistics for all aspects of the bi-annual Mission China Public Affairs Conferences, including scheduling, meeting rooms, and travel arrangements. Performed outreach duties at the Beijing American Center with the Chinese public. Acted as dispatcher for the White House Traveling Press during Asia-Pacific Economic Cooperation (APEC) Summit in November 2014 - Received Franklin Award. Designated substitute for Deputy Chief of Mission OMS in Executive Office Chairperson of Mission Housing Board. EEO Counselor . Docent for Embassy Art Collection. U.S. Mission to International organizations in Vienna (UNVIE) - Nuclear Affairs Section -- June 2011

- June 2013 Senior OMS in Nuclear Affairs Section provided administrative support to 17 Political Officers from five different agencies conducting multi-lateral diplomacy with the International Atomic Energy Agency (IAEA) Facilitated all aspects of the Political Counselor's calendar and maintained priorities, coordinated appointments with IAEA, multi-lateral contacts, visitors, and Mission personnel. Provided full administrative/logistical support for IAEA Board of Governors meetings and General Conference, including but not limited to country clearance requests and other documentation, as well as coordinated appointments/support for meetings, conferences, and VIP visits. Initiated action log and coordinated with Section staff to ensure all deadlines were met and all taskers were completed. Mentored Entry-Level OMSs in Nuclear Affairs Section and UN Affairs Section. Served on Employee Evaluation Report review panel. Trained as First Responder for Weapons of Mass Destruction. Represented UNVIE in Tri-Missions Crisis Management Exercise. Co-managed American Hot Dog Stand at UN Women's Guild Fall Bazaar and raised 1,600+ Euros for charity. U.S. Mission to International Organizations in Vienna (UNVIE) - U.N. Affairs Section -- October 2010 - May 2011 Served as OMS in multi-lateral Political-Economic Section, reported to Political Counselor and assisted five Political Officers in their functional capacities. Provided administrative and logistical support to high-level delegations during Conference on Narcotic Drugs, Conference on Crime Prevention and Criminal Justice, and various other meetings at the UN. Initiated use of local interns for Section, including selection, hiring, and supervising of two excellent young Austrians. Arranged a 75-person lunch for White House Office of National Drug Control Policy during Convention on Narcotic Drugs on 48-hours' notice. Initiated and maintained contact with critical counterparts at UN Office on Drugs and Crime and member states missions. Served as Combined Federal Campaign Coordinator. Embassy Port au Prince - Economic/Commercial Section -- July 2008 - June 2010 OMS in Economic/Commercial (ECON/COMM) Section with three Foreign Service Officers (FSO) and two Locally Employed Staff (LES). Instituted administrative and procedural changes necessary for the ECON/COMM Section to function as a stand-alone unit after being merged with the Political Section for 18 months. Assumed drafting responsibility for the Section's monthly reporting cable to Washington DC and initiated change to a weekly format, keeping information fresh and timely. Provided pivotal administrative and logistical assistance for high-level visits and Congressional delegations. Acting as member of the Embassy Cafeteria Committee, re-designed the traffic flow to alleviate congestion during high usage periods. Served as Combined Federal Campaign Coordinator. Advised Locally Employed Staff Association in process for election of officers. Served as International Election Monitor in Haitian 2009 Senate Elections. U.S. Postal Service -- April 1986 - March 2008 2005-2008 - Detailed as Labor Relations Specialist (Dakotas District) 2004-2005 - Confidential Secretary to District Manager (Sioux Falls SD) 1998-2004 - Secretary to two Manager Post Office Operations (Fargo ND) 1998-2000 - ND State Vice President - American Postal Workers Union (APWU) 1996-2000 - Fargo Area Local Vice President - APWU 1994-2000 - Newsletter Editor - Fargo Area Local - APWU 1986-1998 - Clerk (Fargo ND)]

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



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: JUNE 27, 2017

SUBJECT: CIVIL SERVICE APPOINTMENTS

The terms of Paul Grindeland and Kurt Losee on the Civil Service Commission expire on June 30, 2017. Mr. Grindeland and Mr. Losee are willing to serve another term and I am recommending their reappointment.

Your favorable consideration of this recommendation is greatly appreciated.


RECOMMENDED MOTION: To confirm the reappointments of Paul Grindeland and Kurt Losee to the Civil Service Commission for three-year terms ending June 30, 2020.

mmappt17csc



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: JUNE 28, 2017

SUBJECT: APPOINTMENTS TO THE PARKING COMMISSION

The terms of Randy Thorson and Tracy Walvatne on the Parking Commission expire on June 30, 2017. Mr. Thorson is willing to continue his service on the Board; however, Ms. Walvatne does not wish to be reappointed.

Jay Krabbenhoft has submitted an application indicating interest in serving on the Board and I am recommending his appointment. I have attached a copy of his application for your information.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: Approve the reappointment of Randy Thorson and the appointment of Jay Krabbenhoft to the Parking Commission for three-year terms ending June 30, 2020.

mmapppt17pc

Kember Anderson

From: webmaster@cityoffargo.com
Sent: Tuesday, June 03, 2014 9:04 AM
To: Sharon Odegaard - DISABLED 3/21/16 RPE
Subject: Commission Application

Name: Jay Krabbenhoft Jr
Address: Office Services Department, Gate City Bank, PO Box 2847
City: Fargo
State: ND
Zip: 58102
Work phone: 701-293-2411
Home phone: 701-238-8975
Email: jay.krabbenhoft@gatecitybank.com

Which boards or commissions would you like to be considered for?

Parking Commission

Briefly state why you would like to be on this panel:

I'm very interested in the future of downtown Fargo and making it a destination for both employment, residential housing dining and retail activities. Parking is critical for continued success of downtown

How many hours per month could you volunteer as a panel member?

Very flexible

Please list any past experience you have with city government here or in other cities:

No government experience

Please describe any professional experience you have related to the responsibilities of the panel you are interested in:

I've worked downtown for 30 years, first at Metropolitan Federal and now at Gate City Bank for 20 years. My role and experience at the Bank as facilities manager has allowed me to develop a sensitivity to employee and customer needs. The Bank has facilities in all major markets of North Dakota and western Minnesota. I'm very familiar working with both architects and engineers and enjoy the development and maintenance of facilities and grounds. Thank you.

Resume:



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY



DATE: JUNE 20, 2017

SUBJECT: APPOINTMENT TO THE SPECIAL ASSESSMENT COMMISSION

The term of Steve Bladholm Dunn on the Special Assessment Commission expired on July 1, 2017.

Mr. Bladholm is willing to continue his service on the Board and I am recommending that he be reappointed for a three-year term ending July 1, 2020.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: Approve the reappointment of Steve Bladholm to the Special Assessment Commission for a term ending July 1, 2020.

mmappt17sac