FARGO CITY COMMISSION AGENDA
Tuesday, June 1, 2021 - 5:00 p.m.

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

A. Pledge of Allegiance.

B. Roll Call.

C. Approve Order of Agenda.

D. Minutes (Regular Meeting, May 17, 2021).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. Receive and file an Ordinance Relating to Wildlife Management Program-Regulations.

2. 2nd reading and final adoption of the following Ordinances; 1st reading on 5/17/21:
   a. Rezoning a Certain Parcel of Land Lying in 220 Addition.
   b. Rezoning Certain Parcels of Land Lying in EOLA Addition.
   c. Rezoning Certain Parcels of Land Lying in Golden Valley Fifth Addition
   d. Rezoning Certain Parcels of Land Lying in Sanford Addition.

3. Findings of Fact, Order and Notice of Entry of Order for property at 1343 2nd Avenue South.

4. Findings of Fact, Order and Notice of Entry of Order for property at 1426 4th Avenue North.

5. Site Authorizations for Games of Chance:
   a. North Dakota Association for the Disabled, Inc. at Cowboy Jack's, O'Kelly's and Bulldog Tap.
   b. Metro Sports Foundation at Brewtus Clubhouse, Mexican Village, Radisson Blu, and Scheels Arena.
   c. Special Olympics of North Dakota at Rooters Bar.
   d. Sharehouse, Inc. at Ricks Bar, Bismarck Tavern, Baymont Inn/Alibi Lounge, The RoundUp Saloon and Woody's.

6. Applications for Games of Chance:
   a. Grand Chapter Order of the Eastern Star Foundation, Inc. for a raffle on 6/9/22.
   b. AO1 Foundation for a raffle on 6/26/21.

7. Policy on Storm Water Discharge and Treatment Requirements – April 2021.

8. License Agreement with Nichole's Fine Pastry, LLC for outdoor dining at 13 8th Street South.

9. Encroachment Agreement (Sidewalk Dining) with Block 9 Partners, LLC and Aparium Hotel Group, LLC for outdoor dining at 215 Broadway.

10. License Agreement with the Downtown Community Partnership for Al Fresco dining.

11. Amendment (First) to Right of Way Use Agreement with Great Plains 1001 Holdings, LLC and Bakken Contracting Co, LLC.

12. Bid award for the replacement of the Fire Alarm System at the FARGODOME (RFP21103).

13. Bid award for ticketing provider at the FARGODOME and the Civic Center (RFP21088).

14. State Water Commission request for cost reimbursement for the FM Metro Area Flood Risk Management Project for costs totaling $4,262,543.72.

15. Purchase of Service Agreement with Mapleton Public School District for the 2021-2022 school year.

16. Agreement for Services with Casey Hallwachs.

17. Agreement for Physician Services with Dr. Tracie Newman.

18. Agreement with Camila Van Dyke for the Contract Human Resources Manager position.

19. Set June 14, 2021 at 5:15 p.m. as the date and time for a hearing on a dangerous building at 1033 5th Street North.

20. Owner Agreement with Elliott Place Four, LLLP to commit HOME Investment Partnership (HOME) Funds for a new construction project at 4462 30th Avenue South.

21. Rebate Grant Agreement with the North Dakota Department of Environmental Quality, Air Quality Division.

22. Bid award for Household Hazardous Waste Services (RFP21077).

23. Amendment to Joint Powers Agreement for Transit Support with NDSU and Agreement for Transit Services with NDSU.

24. Bid award for the GTC Exterior Renovation project (AFB21101).

25. North Dakota Department of Transportation Amendments to Contract Nos. 38190961A, 38190960C, 38190973A, 38190959A and 38190306A.

26. Contract and bond for Project No. FM-19-B1.

27. Bills.

28. Amended Engineer's Report for Improvement District No. PR-21-F.

29. Purchase Agreement with Dabbert Custom Homes LLC (Improvement District Nos. UN-20-B1 and PN-20-B1).

30. Easement (Temporary Construction Easement) with Riviera Heights, LLC Improvement District No. BN-20-A0.

31. Change Order No. 2 for an increase of $52,064.45 for Improvement District No. BN-20-L1.

32. Cost Participation, Construction and Maintenance Agreement with the ND Department of Transportation (Improvement District No. QN-23-A1).

33. Bid award for Improvement District Nos. AN-20-C1, BN-21-J1 and SL-21-B1.

34. Create Improvement District No. AN-21-A.

35. Contracts and bonds for Improvement District Nos. BN-21-B1 and PR-21-G1.

REGULAR AGENDA:

36. **RESIDENT COMMENTS (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at FargoND.gov/VirtualCommission).**

37. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
    a. Amendments to 2020 Action Plan Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME).

    b. CONTINUE to 6/28/21 - Application for a Class "GH" Alcoholic Beverage License for Jay's Smokin BBQ, LLC d/b/a Jays Smokin BBQ to be located at 1322 Main Avenue.

    c. CONTINUE to 6/28/21 – Application for a Class "FA-Entertainment" Alcoholic Beverage License for TC Entertainment LLC d/b/a KingPinz to be located at 3485 Jacks Way.

38. ***Public Input Opportunity* -** Receive and file three Ordinances Relating to Public Safety, Morals and Welfare (Hate Crimes).

39. Introduction and update from the President of the Fargo Moorhead West Fargo Chamber of Commerce.

40. Presentation from the Benefactor Group on the Professional Fundraising Assessment for the proposed Performing Arts Center.

41. Recommendation for appointment of the Director of Diversity, Equity and Inclusion contract position.

42. Resolutions to authorize the filing of an application with the ND Department of Environmental Quality for a loan under the Clean Water Act and/or the Safe Drinking Water Act.

43. Construction Update.

44. Recommended changes to the Property Tax Exemption Policies.

45. Recommendation from Commissioners Strand and Gehrig to conduct a review of the approved PILOT projects since 2015.

46. Recommendations for appointments and reappointments to the following Boards and Commissions:
    a. Board of Adjustment.
    b. Renaissance Zone Authority.

THE CITY OF Fargo FAR MORE

Planning & Development
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: planning@FargoND.gov
www.FargoND.gov

MEMORANDUM

37a

TO: BOARD OF CITY COMMISSIONERS

FROM: TIA BRASETH, COMMUNITY DEVELOPMENT PLANNING COORDINATOR TB
NICOLE CRUTCHFIELD, PLANNING DIRECTOR

DATE: MAY 27, 2021

RE: PUBLIC HEARING & APPROVAL OF PROPOSED AMENDMENTS TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) 2020 ANNUAL ACTION PLAN

The Department of Planning & Development is considering amendments to its 2020 Annual Action Plan, most recently approved by City Commission on May 17, 2021. Amendments are being proposed to remove a CDBG activity and funding source and further define project location, budget, and activity type to a HOME activity to the 2020 Action Plan. The City Commission is asked to hold a public hearing and then consider the following actions:

Summary of Proposed Amendments to 2020 Annual Action Plan:

1. **Cancel Activity & Remove Funding Source under "Affordable Single-Family Housing for Ownership" Project: 1000 block of 10th Street North – Cass Clay Community Land Trust**
   As per notification from the developer, acquisition of the proposed site was unsuccessful. Therefore, a previously identified source of funding for this project will be removed and the associated activity will be canceled. The allocation of $46,000 in CDBG funds to the "Affordable Single-Family Housing for Ownership" project will be removed and the activity located in the 1000 block of 10th Street North will be canceled (initially approved at 5/17/2021 City Commission meeting).

2. **Project Site, Activity, & Budget Identified under "Affordable Single-Family Housing for Ownership" Project: 1412 1 Avenue South – Cass Clay Community Land Trust**
   The location of one housing unit has been identified and is located at 1412 1 Avenue South. The activity will include acquisition, demolition, and new construction of a single family home. The proposed HOME allocation for this site is not currently known, but the Affordable Single-Family Housing for Ownership activity for Cass Clay Community Land Trust has been previously approved for up to $200,000. The project will be carried out by Cass Clay Community Land Trust.
   HOME Eligible Activity under 92,205(a)(1)

The proposed amendments are in compliance with federal regulations for the Department of Housing and Urban Development (HUD) CDBG and HOME programs. The following actions were completed as required by the City of Fargo's Citizen Participation Plan:

Public Advertisement Published	May 26, 2021
Public Comment Period Begins	May 27, 2021
Provided Information to the Community Development Committee	May 27, 2021
Public Comment Period Ends	June 1, 2021
Public Hearing and Final City Commission Consideration	June 1, 2021

EQUAL HOUSING OPPORTUNITY

Notice of Public Hearing & Public Comment Period
Amendments to 2020 Action Plan
Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME)

The City of Fargo is proposing to amend its 2020 Action Plan by removing a CDBG activity and to further define project location, budget, and activity type for a HOME Investment Partnerships Program (HOME) activity. The details and timeline for this amendment are outlined below. Upon City Commission action on June 1, 2021, a recommendation regarding these amendments will be forwarded to HUD for their consideration and approval.

Public Comment Period:	May 27 – June 1, 2021
Send written comments or phone:	City of Fargo Planning and Development Department Attn: Community Development Planning Coordinator 225 4th Street North, Fargo ND 58102 701.476.4144
Electronic Comments:	Planning@FargoND.gov
Public Hearing and Final City Commission Consideration:	Tuesday, June 1, 2021 - 5:15 p.m. Fargo City Commission Chambers 225 4th Street North, Fargo ND 58102

Summary of Proposed Amendment to 2020 Annual Action Plan

1. **Cancel Activity & Remove Funding Source under "Affordable Single-Family Housing for Ownership" Project: 1000 block of 10th Street North – Cass Clay Community Land Trust**
   As per notification from the developer, acquisition of the proposed site was unsuccessful. Therefore, a previously identified source of funding for this project will be removed and the associated activity will be canceled. The allocation of $46,000 in CDBG funds to the "Affordable Single-Family Housing for Ownership" project will be removed and the activity located in the 1000 block of 10th Street North will be canceled (initially approved at 5/17/2021 City Commission meeting).

2. **Project Site, Activity, & Budget Identified under "Affordable Single-Family Housing for Ownership" Project: 1412 1 Avenue South – Cass Clay Community Land Trust**
   The location of one housing unit has been identified and is located at 1412 1 Avenue South. The activity will include acquisition, demolition, and new construction of a single family home. The proposed HOME allocation for this site is not currently known, but the Affordable Single-Family Housing for Ownership activity for Cass Clay Community Land Trust has been previously approved for up to $200,000. The project will be carried out by Cass Clay Community Land Trust.
   HOME Eligible Activity under 92,205(a)(1)

Comments & Suggestions

Comments and suggestions from the public are encouraged through a public comment period and/or at the public hearing. The existing plans are available online at www.fargond.gov/planninganddevelopment/plansandstudies or by request through the Planning and Development Department. See contact information below.

The facility is serviced by public transit, accessible and can accommodate persons with disabilities. Alternative formats of this information or reasonable accommodations for persons with hearing loss, vision loss, disabilities or limited English proficiency, including the availability of interpretation and translation services, will be made upon request (48 hours of notice is required). Anyone who requires these services or an auxiliary aid to fully participate in the hearing should contact the Planning and Development Department at 701.241.1474/Planning@FargoND.gov, or the City of Fargo's Section 504/ADA Coordinator Brock Morrison at 701.298.6966 to arrange for services. To access TTY/ND Relay service dial 800.366.6888 or 711. In accordance with Federal regulations and City of Fargo policies, services are provided without regard to race, color, religion, sex, disability, familial status, national origin, age, marital status, veteran status, sexual orientation, gender identity, public assistance, domestic violence, lawful activity, or condition protected by applicable federal and state laws. The City is an equal employment/equal housing opportunity agency.

RESOLUTION APPROVING AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/HOME 2020 ACTION PLAN

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

WHEREAS, the City of Fargo receives Community Development Block Grant (CDBG)/HOME funds from United States Department of Housing and Urban Development (HUD); and

WHEREAS, in compliance with federal regulations, the City of Fargo has amended its CDBG/HOME 2020 Action Plan to make available housing and community development resources that primarily address the needs of low to moderate income persons in Fargo; and

WHEREAS, the City of Fargo has conducted a required citizen participation process including a draft publication of the amendments, a public hearing, and a minimum 5-day public comment period as temporarily allowed through HUD waivers related to COVID-19.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fargo, North Dakota that the Mayor is herein authorized and directed to submit the amended plans to HUD and enter into and execute contracts and other documents as necessary to effectuate activities identified in the revised plan.

CERTIFICATE

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

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

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

DO HEREBY CERTIFY:

That the foregoing is a full, true and correct copy of the original Resolution, and the whole thereof approving the amendments to the City of Fargo's 2020 Action Plan for the Community Development Block Grant (CDBG) & HOME programs as described in the foregoing Resolution; which Resolution was duly adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held June 1, 2021 at which Regular Meeting all members present voted in favor of the adoption of the Resolution; and

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

(SEAL)

_____
Timothy J. Mahoney,
Mayor of the City of Fargo, North Dakota

ATTEST:

_____
Steven Sprague, City Auditor

On this ____ day of _____, 2021, before me, _____, a Notary Public in and for Cass County, in the State of North Dakota, personally appeared Timothy J. Mahoney, known to me to be the Mayor of the City of Fargo, North Dakota, and Steven Sprague, City Auditor of the City of Fargo, a municipal corporation under the laws of the State of North Dakota, and they acknowledged to me that they executed the foregoing instrument.

_____
Notary Public, Cass County, North Dakota

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

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

Mayor and Commissioners,

Pursuant to your direction, the City attorney's office, working in conjunction with Commissioner Preston, prepared three ordinances pertaining to hate crimes:

10-0321.1- Criminal Mischief- Hate Crime
10-0322.1- Harassment- Hate Crime
10-0323.1- Simple Assault- Hate Crime

The new proposed ordinances simply add the same or similar language proposed in the state legislation proposed- specifically that the illegal conduct occurred "because of" the victim's perceived or actual protected characteristic. In other words, the person committing the crime did so "in whole or in part because of the victim's actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin or ancestry."

The motive for committing the crime is not generally an element of an offense. If the hate crime is charged, the reason the crime is committed becomes an element of the offense and the prosecutor must prove all elements of the offense beyond a reasonable doubt in order to secure a conviction. The element is not that the victim is a member of a protected class, but rather that the perpetrator's reason for committing the underlying crime was because the victim is, or is perceived to be, a member of a protected class.

The highest offense a municipality may charge is a Class B misdemeanor, which carries a maximum penalty of a fine of $1,500 and 30 days in jail. These additional crimes carry the same punishment as the underlying crimes of simple assault, harassment and criminal mischief.

Suggestion Motion: I move to receive and file the following Ordinances An Ordinance enacting sections 10-0321.1 Criminal Mischief-Hate Crime, 10-0322.1 Harassment-Hate Crime, and 10-0323.1 Simple Assault-Hate Crime, all of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Public Safety, Morals and Welfare, and to place the ordinances on for first reading at the next regularly scheduled commission meeting.

Please feel free to contact me if you have any questions, comments or concerns.

Sincerely,

Nancy J. Morris

NJM/lmw

Enclosures

cc: Commissioner Arlette Preston
Chief Dave Zibolski
City Prosecutor Will Wischer

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE ENACTING SECTION 10-0321.1 OF
ARTICLE 10-03 OF CHAPTER 10 OF
THE FARGO MUNICIPAL CODE RELATING TO
PUBLIC SAFETY, MORALS AND WELFARE

WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purpose; and

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

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

Section 1. Enactment.

Section 10-0321.1 of Article 10-03 of Chapter 10 of the Fargo Municipal Code is hereby enacted to read as follows:

10-0321.1. Criminal mischief-Hate Crime

A person is guilty of criminal mischief if he commits any of the following acts:

A. Willfully tampers with tangible property of another so as to endanger person or property.

B. Willfully damages tangible property of another. The court may, in addition to assessing any penalty for violation of this ordinance as permitted by law, order reimbursement or restitution by the offender to the person whose property has been damaged or destroyed.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

C. Commits an offense in violation of subdivision A or B in whole or in part because of the actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or ancestry of the victim.

Section 2. Penalty.

A person who willfully violates this ordinance is guilty of a Class B misdemeanor. Every person, firm or corporation violating an ordinance which is punishable as a Class B misdemeanor shall be punished by a fine not to exceed $1,500.00, or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 3. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

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

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE ENACTING SECTION 10-0322.1 OF
ARTICLE 10-03 OF CHAPTER 10 OF
THE FARGO MUNICIPAL CODE RELATING TO
PUBLIC SAFETY, MORALS AND WELFARE

WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purpose; and

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

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

Section 1. Enactment.

Section 10-0322.1 of Article 10-03 of Chapter 10 of the Fargo Municipal Code is hereby enacted to read as follows:

10-0322.1. Harassment-Hate Crime

A. A person is guilty of an offense if, with intent to frighten or harass another, he:
   1. Makes a telephone call anonymously or in offensively coarse language;
   2. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication; or
   3. Communicates a falsehood in writing or by electronic communication and causes mental anguish.

B. Any offense defined herein and committed by use of electronic communication may be deemed to have been committed at either the place at which the electronic

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communication was made, or at the place where the electronic communication was received.

C. Any offense defined herein is deemed communicated in writing if it is transmitted electronically, by electronic mail, facsimile, or other similar means. Electronic communication means transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.

D. Commits an offense in violation of subdivision A (1), (2), or (3) in whole or in part because of the actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or ancestry of the victim.

Section 2. Penalty.

A person who willfully violates this ordinance is guilty of a Class B misdemeanor. Every person, firm or corporation violating an ordinance which is punishable as a Class B misdemeanor shall be punished by a fine not to exceed $1,500.00, or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 3. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

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

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE ENACTING SECTION 10-0323.1 OF
ARTICLE 10-03 OF CHAPTER 10 OF
THE FARGO MUNICIPAL CODE RELATING TO
PUBLIC SAFETY, MORALS AND WELFARE

WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purpose; and

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

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

Section 1. Enactment.

Section 10-0323.1 of Article 10-03 of Chapter 10 of the Fargo Municipal Code is hereby enacted to read as follows:

10-0323.1. Simple Assault-Hate Crime

A person is guilty of an offense if he:

A. Willfully causes bodily injury to another human being; or

B. Negligently causes bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.

C. Causes bodily injury to another in whole or in part because of the victim's actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or ancestry.

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ORDINANCE NO. _____

Section 2. Penalty.

A person who willfully violates this ordinance is guilty of a Class B misdemeanor. Every person, firm or corporation violating an ordinance which is punishable as a Class B misdemeanor shall be punished by a fine not to exceed $1,500.00, or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 3. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

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

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 1-0305 OF
ARTICLE 1-03 OF CHAPTER 1 OF
THE FARGO MUNICIPAL CODE RELATING TO
ORDINANCES - VIOLATION

WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purpose; and

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

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

Section 1. Amendment.

Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code is hereby amended to read as follows:

1-0305. Classification of ordinance violations.

A. Violations of the following ordinances are Class B misdemeanors, subject to punishment as provided in this article:

1. Section 1-0306(D) (failure to appear or post bond on a non-criminal, non-traffic offense), section 8-0305(A)(2) (fictitious registration), section 8-0305(A)(3) (lending registration plates), section 8-0308 (reproducing operator's or driver's license or permit), section 8-0309 (driving under suspension), section 8-0310 (driving under the influence), section 8-0314 (reckless driving), section 8-0320 (driving without liability insurance - $150.00 minimum fine), section 8-0803 (accidents involving damage to vehicle), section 8-0804 (duty to give information and render aid), section 8-0805 (duty upon striking fixture or other property),

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

section 8-0809 (false reports), section 10-0101 (minor using alcohol), 10-0104 (curfew), section 10-0201 (indecent exposure), section 10-0301 (disorderly conduct), section 10-0317 (resisting police officer), section 10-0319 (incendiary devices), section 10-0320 (registration in schools), section 10-0321 (criminal mischief), section 10-0321.1 (criminal mischief-hate crime), section 10-0322 (harassment), section 10-0322.1 (harassment-hate crime), section 10-0323 (simple assault), section 10-0323.1 (simple assault-hate crime), section 10-0324 (aiding and abetting), section 10-0601 (shoplifting), section 10-0602 (theft), section 10-0702 (order to disperse), section 10-0703 (tenant/owner cooperation required), section 10-1202(2) (≥½ oz. marijuana) and 10-1202(3) (under 21 in possession of marijuana), section 12-0117(C) and 12-0117(G) (potentially dangerous and dangerous dogs), section 13-0511 (removal of wastes), section 13-0513 (fee/permit for hauling waste), section 13-0529 (misuse of compost sites), article 13-13 (drug lab cleanup), chapter 17 (sewers and sewerage), article 18-09 (excavation code), section 25-1509(A) (selling alcoholic beverage to minor), section 25-1513(C) (minor misrepresenting age), and section 25-1513(D) (delivery of alcoholic beverage to minor), article 25-33 (tattoos, body art and body piercing), article 25-36 (tanning facilities).

***

Section 2. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

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

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

June 1, 2021

To: **Board of City Commissioners**
Fr: **Michael Redlinger, Assistant City Administrator**
Re: **Presentation of Professional Fundraising Assessment for the Proposed Fargo Performance Center**

Background: On September 8, 2020, the City Commission approved a proposal from the Benefactor Group to conduct a Professional Fundraising Assessment for the Proposed Fargo Performance Center. Benefactor Group was selected following a competitive Request for Proposal (RFP) process in July 2020 and began their work for the City of Fargo in September 2020.

In total, Benefactor Group conducted 36 interviews with community stakeholders and hosted 2 focus groups for the Proposed Fargo Performance Center. At the June 1, 2021 City Commission meeting, Laura MacDonald, Principal and Founder of Benefactor Group, will present the data and findings of the fundraising assessment and answer questions of the Commission.

Recommended Actions: Receive presentation from the Benefactor Group on the Professional Fundraising Assessment for the Proposed Fargo Performance Center, file the report, and discuss next steps for the project.

Attachments: Laura MacDonald Biography
Benefactor Group Firm Overview

benefactor

Laura MacDonald, CFRE

Principal & Founder
Benefactor Group

Laura MacDonald, President and founder of Benefactor Group, is a certified fundraising executive with more than three decades of experience in nonprofit leadership, fundraising, and philanthropy. She has served as the vice president and creative director of a national fundraising firm and chief development officer in arts and higher education.

Laura established a consulting firm to serve the needs of those who serve the common good®: nonprofit institutions, donors, and civic leaders. Benefactor Group is currently working in arts, culture, and humanities: Laura and her team served as counsel for the Columbus Museum of Art, COSI Planetarium, and celebrated the grand openings of the Marathon Center for the Performing Arts in Findlay. They've supported he Speed Museum (KY), Grand Rapids Art Museum (MI), the AMAZEUM, which is adjacent to the Crystal Bridges Museum in Bentonville, AR, and Pikes Peak. Other clients include the conservancies in Detroit, Buffalo, and San Diego.

The firm she established has served more than 400 clients, ranging from big ten universities and global NGOs to start-up community organizations. Laura has helped her clients achieve unprecedented successes: the largest contribution ever to an arts organization in central Ohio; engaging board retreats for a national conservation organization; consistent increases in annual fund revenue for a women's fund; an innovative digital giving strategy for a social justice organization; a reinvigorated board for a literary society.

Prior to establishing Benefactor Group, Laura was chief development officer at The Ohio State University's Wexner Center for the Arts where she helped the organization secure its largest-ever corporate sponsorship and foundation grant and highest membership. During her tenure she also served as a senior development officer in the University's $1.2 billion capital campaign.

She is a frequent speaker at local, regional, and national conferences — most recently at the American Alliance of Museums (AAM) and the Art Museum Development Association (AMDA). For many years she served on the Development and Membership Executive Committee of the American Alliance of Museums. She is the chair of the Giving USA Foundation. Laura is frequently sought for her expertise and has been quoted recently in the *Chronicle of Philanthropy, Barron's, Columbus Dispatch, Wall Street Journal*, *CNN Money*, *Sophisticated Giving*, and other local and regional publications.

benefactor

Benefactor Group

Benefactor Group was established in 1999 to provide innovative consulting and management services to nonprofit organizations. The firm represents a wealth of expertise and has served clients at home and around the world in all capacities of leadership development, planning, and fundraising. Our access to human resources, research and reference materials, technology, and professional networks is tailored to meet each client's particular needs. We strive to nurture mutually rewarding relationships **serving those who serve the common good®**. Additional information and a listing of representative clients may be found at www.benefactorgroup.com.

We provide a variety of services to help nonprofit organizations in six broad categories.

Capital Campaigns

- Planning Studies
- Campaign Planning
- Case for Support
- Coaching and Management

Leadership and Search

- Governance Assessments
- Board Retreats
- Executive Transition
- Succession Planning
- Recruitment and Search

Annual Fundraising

- Development Assessments
- Annual Fundraising Plans
- Membership Programs
- Mid-level Giving Programs
- Major Gifts Programs
- Staff Retreats

Endowment Building

- Endowment Planning
- Endowment Building
- Planned Giving Programs

Strategic Planning

- Core Purpose and Mission
- Strategic Objectives
- Strategic Measures
- Ongoing Monitoring

Nonprofit Technology

- System Selections
- Project Management
- Process Improvement
- Using Data and Metrics

Benefactor Group's dedicated team of consultants and expert advisors provides counsel and services to help nonprofit leaders develop themselves, their teams, and their organizations. We are positioned to help nonprofit organizations expand capacity and build long-term sustainability because we have deep and varied expertise in planning, leadership, fundraising, and development. Our team bios can be found on our website at www.benefactorgroup.com.

THE CITY OF Fargo FAR MORE

(41)

June 1, 2021

To: **Board of City Commissioners**
Fr: **Michael Redlinger, Assistant City Administrator**
Re: **Recommendation for Appointment of the Contract Director of Diversity, Equity and Inclusion**

Background: The Director of Diversity, Equity and Inclusion (DEI) Selection Committee completed the final component of the selection process for the DEI Director on April 29, 2021 following an interview and presentation with the top five candidates. Following the assessment, the selection committee approved the list of candidates ranked by compiled interview and presentation scores to be utilized in extending a conditional offer to the top candidate.

On May 7, 2021, a conditional offer of employment was extended to Dr. Terry Hogan. This offer was contingent upon the successful completion of a background investigation, reference checks, and a drug screen. Dr. Terry Hogan has successfully completed all aspects of the conditional offer phase.

Dr. Hogan has a Ph.D. in Public Administration and Policy along with extensive professional experience relevant to this position. Based on the Director of Diversity, Equity and Inclusion Selection Committee's recommendation and the successful completion of the conditional offer phase, I am recommending the appointment of Dr. Terry Hogan to the position of Director of Diversity, Equity and Inclusion (contract). Upon approval, a full offer of employment will be extended to Dr. Terry Hogan with a scheduled start date of July 6, 2021. In addition, an employment agreement for Dr. Hogan is attached for your approval.

At the June 1st City Commission meeting, I will introduce the appointment recommendation and Jill Minette, Human Resources Director, will provide an overview of Dr. Hogan's professional experience and background. Dr. Hogan will appear via videoconference and provide brief remarks to the City Commission and public, as well.

Recommended Actions: Appoint Dr. Terry Hogan to the position of Director of Diversity, Equity and Inclusion and approve employment agreement.

Director of Diversity, Equity and Inclusion - Selection Committee Members

Tim Mahoney	Mayor
Arlette Preston	City Commissioner
Bruce Grubb	City Administrator
Michael Redlinger	Assistant City Administrator
Catlyn Christie	Assistant Planner
Matour Alier	Human Relations Commission
Anna Johnson	Native American Commission

Attachment: Employment Agreement & Position Description

AGREEMENT

CONTRACT DIRECTOR OF DIVERSITY, EQUITY AND INCLUSION

THIS AGREEMENT made and entered into effective the 6th day of July 2021, by and between Dr. Terry Hogan (hereinafter referred to as "Hogan") and the CITY OF FARGO, a municipal corporation, whose address is 225 Fourth Street North, Fargo, North Dakota 58102 (hereinafter referred to as "City").

WITNESSETH:

WHEREAS, the City desires to fill the position of Director of Diversity, Equity and Inclusion within the City of Fargo Commission Office as a contracted employee; and,

WHEREAS, the City desires to appoint Hogan to perform the duties and services of Director of Diversity, Equity and Inclusion and for purposes of the City's budgeting process, to recognize a contract employment relationship for a period beginning July 6, 2021 and ending July 5, 2022, but which is still an "at-will" employment relationship, terminable by either party with or without cause,; and,

WHEREAS, HOGAN has agreed to accept such appointment to perform the duties and services of Director of Diversity, Equity and Inclusion on a contract employee basis according to the terms of this agreement; and,

WHEREAS, the parties wish to commit their agreement to writing.

NOW, THEREFORE, the parties hereto do hereby agree as follows:

1. City agrees to appoint Hogan for the purpose of performing the duties and services of Director of Diversity, Equity and Inclusion as described in Exhibit A attached hereto.

2. Term. The term of this agreement shall be for the period beginning July 6, 2021 and ending July 5, 2022, but may be terminated by either party at any time, upon written notice to the other party. This relationship is an "At-will" relationship and may be terminated by either party at any time with or without cause.

3. Compensation. City agrees to compensate Hogan in the amount of $46.06 per hour for any and all duties and services performed as Director of Diversity, Equity and Inclusion during the year 2021. If the City Commission awards a 2022 Cost of Living Adjustment (COLA), Hogan is eligible to receive a COLA adjustment. To the extent this agreement is still in effect, beginning in years 2022 and thereafter, Hogan compensation shall be adjusted annually, at the time of his step increase date, as well as adjusted in an amount equal to the Cost of Living Adjustment the City of Fargo approves for its employees.

4. In addition to the terms of compensation listed above, the City shall pay the employer's share of the following:

(a) Social Security (FICA)
(b) Workers Compensation
(c) Unemployment Insurance
(d) Federal Withholding (income tax)
(e) State Income Tax
(f) Medicare

5. Hogan will be full time and will be eligible to enroll in Health Insurance, Dental Insurance, Vision Insurance, Life Insurance and Flexible Spending and will be covered under the City's long-term disability and North Dakota Public Employee Retirement System (NDPERS). In addition, Hogan will accrue annual and sick leave.

6. During the term of this agreement, Hogan agrees to comply with all employee policies of the City of Fargo and the City Commission Office, including all safety rules and procedures.

7. The parties hereto understand and agree that Hogan shall not be part of the Civil Service of the City of Fargo, but is a contracted employee, as permitted under Fargo Municipal Code section 7.0102(D).

DATED the day and year first above written.

THE CITY OF FARGO, NORTH DAKOTA

By: _____
Timothy J Mahoney, Mayor

ATTEST:

_____
Steven Sprague, City Auditor

[DEPARTMENT]

By: _____ 5/26/21
Michael Redlinger, Assistant City Administrator

/s/ Dr. Terry Hogan 5/26/21
Dr. Terry Hogan

JOB CLASS DESCRIPTION

Job Class: Director of Diversity, Equity and Inclusion
Department: City Administration
Supervisor: Assistant City Administrator
FLSA Status: Exempt
Grade: 16
Revision Date: October 2020
Prepared by: City Administration

Job Summary:

Under general supervision provided by the Assistant City Administrator, the Director of Diversity, Equity and Inclusion (DEI) is responsible for leading the development, implementation and management of the City of Fargo's diversity, equity and inclusion initiatives. The DEI Director will work in partnership with city leaders including the city commission, city administration and city department heads, as well as other city staff to engage community stakeholders to establish equity and inclusion as shared values across the community and City of Fargo as an organization. The DEI Director will collaborate with city departments, city boards and commissions such as the Human Relations Commission and Native American Commissions, and the community to advance initiatives that remove barriers within City government programs and operations.

Scope of Responsibility:

The DEI Director manages the diversity, equity and inclusion initiatives and serves as a liaison for the City of Fargo with community partners in advancing community-wide initiatives. The DEI is a change agent who provides leadership and vision to equity and inclusion efforts within the greater community and the City of Fargo organization.

Essential Duties and Responsibilities:

1 Responsible for conducting a community-wide assessment on diversity, equity and inclusion within the community.
- 1.1 Research, develop, or procure an assessment tool to be utilized in a community-wide assessment in order to establish the current state of diversity, equity and inclusion within our community and identify any gaps, barriers, or inequities that exist
- 1.2 Engage key stakeholders to evaluate the best assessment tools as well as the best methods for conducting a community-wide assessment, including an internal assessment within the City of Fargo as an organization.
- 1.3 Lead the effort to launch the community assessment and convey its importance to community members
- 1.4 Develop a plan to communicate the outcomes and proposed implementation steps of the community assessment
- 1.5 Lead the development of an overall community equity plan utilizing the assessment data.
- 1.6 Evaluate and implement metrics to establish a baseline and support continuous measurement of progress and outcomes of the equity and inclusion initiatives

2 Responsible for development and advancement of diversity, equity and inclusion initiatives directed at achieving the desired outcomes as established in the equity plan.
- 2.1 Identify initiatives to engage underrepresented communities to improve access to programs, services, and processes throughout the city, including access to City government

2.2 Lead a collaborative effort to develop innovative and effective strategies that support racial and ethnic inclusion and equity within the community ensuring strategies include the full spectrum of diversity.
2.3 Provides leadership and technical expertise, serving as a resource on equity and diversity for the community and the City of Fargo organization
2.4 Lead a comprehensive approach to integrating diversity, equity and inclusion in citywide policy development by directing and coordinating the development of equity and inclusion policies and long-range plans.
2.5 Provide coaching and support for City departments to be innovative and adaptive in providing culturally responsive, inclusive, and equitable programs and services designed to improve public outreach.
2.6 Present recommended equity and inclusion policies to City leadership at all levels of the organization and the City Commission upon request
2.7 Participates in community, regional and statewide equity and inclusion collaborations on behalf of the City of Fargo.
2.8 In collaboration with the communications team, serves as a point of contact for the media in relation to program and initiative matters of equity and inclusion

3 Responsible for community education in order to increase awareness and support of the City of Fargo's Diversity, Equity and Inclusion Plan and initiatives
3.1 Create opportunities to engage and educate the community regarding diversity, equity, and inclusion
3.2 In collaboration with the City of Fargo Training and Development Coordinator, develops and delivers ongoing training related to diversity, equity, and inclusion to support continuous development of the City of Fargo workforce.
3.3 In collaboration with other key stakeholders, plans special events that increase opportunities for cultural interactions and education.

4 Collaborate with existing commissions, including the Human Relations and Native American Commissions
4.1 Serves as a staff liaison to the Human Relations and Native American Commissions, attending regular commission meetings and activities while supporting other Planning Department staff
4.2 Collaborates with the commissions in the development of programs, initiatives, and policies. Actively listens to, and supports, the civic volunteers who are serving the City of Fargo.

5 Communicates effectively, professionally, and courteously while maintaining working relationships with others in carrying out position functions.
5.1 Regularly interacts with the public on elevated issues pertaining to department policies, procedures and protocols; refers to others as appropriate and follows up to ensure inquiries are resolved satisfactorily
5.2 Presents reports and plans during Board and other meetings
5.3 Communicates with others in the work unit to provide information relating to work assignments and progress of work or to convey information about conditions or work-related needs.

6 Performs all job duties in compliance with safety guidelines and with an ongoing awareness of safety practices.
6.1 Knows, understands, and follows department and City rules as well as sound work and safety practices in order to accomplish the job objectives and avoid injury or loss;
6.2 Wears proper protective equipment when policy requires or conditions indicate a need exists and utilizes proper body mechanics and ergonomics while performing work;

6.3 When potentially unsafe conditions are observed makes efforts to avoid or correct them if they are controllable and draws them to the attention of the responsible supervisor or safety representative in a timely manner.

7 Performs other duties and activities as assigned.

Minimum Qualifications:

The position requires a bachelor's degree from an accredited college or university in psychology, sociology, education, public or business administration, political science, ethnic studies, communication, or a closely related field with at least five (5) years of experience in the administration of community, educational or social justice programs or an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed above. While not required, a Master's Degree in a related field is preferred. A valid driver's license or evidence of equivalent mobility is also required.

Knowledge, skills and ability include:

- Knowledge of principles and best practices in diversity, equity and inclusion in the workplace and community
- Knowledge of establishing and implementing initiatives
- Knowledge of program and project management tools and techniques;
- Knowledge of computer applications and technology used to manage data;
- Knowledge of best practices for community engagement and training
- Ability to effectively communicate verbally and in writing, build networks and cultivate collaborative opportunities
- Skill in organization and work plan development;
- Skill in developing, interpreting, and understanding statistics and data;
- Ability to prepare and present information publicly;
- Ability to be a change agent and influence other community members, staff colleagues, and partners;
- Ability to identify and resolve conflict or barriers;
- Ability to work independently;
- Ability to prioritize work and manage multiple competing priorities while meeting deadlines in an independent environment;
- Skill in communication and interpersonal skills as it applies to interaction with coworkers, supervisors, the general public, etc., sufficient to exchange or convey information, resolve disputes and receive work direction.

Physical Demands & Working Conditions:

Most work is performed in a normal office environment; on occasion, work is performed in the field. The noise level in the work environment is usually quiet in the office and moderate in the field. Daily work often involves moving between buildings and rooms. Activities the incumbent must perform include fingering, grasping, talking, hearing/listening, seeing/observing and using repetitive motions.

Occasional driving is required to attend meetings. The job may involve dealing with and calming individuals who are emotionally charged over an issue. There is considerable attention to detail and deadlines required.

This job is rated for Sedentary Work, meaning that walking and standing are required only occasionally and the job involves sitting most of the time. The incumbent must be able to exert up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects, including the human body.

Some requirements in this job description may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees. All requirements are subject to modification to reasonably accommodate individuals with disabilities.

Requirements are representative of minimum levels of knowledge, skills, and experience required. To perform this job successfully, the worker must possess the abilities and aptitudes to perform each duty proficiently.

This document does not create an employment contract, implied or otherwise, other than an "at will" employment relationship. The City Administrator retains the discretion to add duties or change the duties of this position at any time.

CITY OF Fargo

Division of Solid Waste

2301 8th Avenue North
Fargo, North Dakota 58102
Phone: 701-241-1449
Fax: 701-241-8109

42

May 27, 2021

Honorable Board of City Commissioners
City of Fargo
225 4rd Street North
Fargo, ND 58102

RE: Resolution(s) of Governing Body Approval – Clean Water State Revolving Fund (CWSRF)

Dear Commissioners:

In 2016, the Solid Waste Division received authorization from the North Dakota Department of Environmental Quality (NDDEQ) to begin reclaiming and reusing the former landfill.

Background

The former landfill (160 acres), which is located immediately east of the current landfill, has been closed to waste disposal for over 30 years. During operation in the 1960's and 1970's acceptable landfilling methods were utilized, but with the adoption of EPA Subtitle D Regulations in the late 1970's, the practices became outdated. Accordingly, landfill cell design parameters and daily operations were adjusted to meet the new regulatory standards

After development of a 2013 landfill facility plan and the review of a number of options (site landfill elsewhere, incinerator, etc.) it was decided to begin a reclamation and reuse project of the former landfill, which would effectively remove potential environmental liability and provide future permitted air space. The 8-cell reclamation project (see attached) is expected to take approximately 20-25 years to complete and is being funded through annual Landfill Capital Improvement Funds.

With the 2016 NDDEQ approval of the reclamation, Solid Waste staff began incorporating the necessary annual funds into the Landfill Capital Improvement Budget as shown below:

2016 – Cell #18 Construction Project	$2.0M
2018 – Cell #19 Waste Excavation Project	$1.8M
2019 – Cell #19 Construction Project	$2.5M
2021 – Cell #20 Waste Excavation Project	$2.1M (Engineer's Estimate)

Please note that the Cell #18 Waste Excavation Project was performed as a *Pilot Project* in 2013 in order to gather more information regarding waste types/quantities in better understand future construction estimates for NDDEQ approval.

Clean Water State Revolving Loan Fund (CWSRF)

In 2020, the Solid Waste Division was notified that landfill reclamation and reuse projects would be eligible for Clean Water State Revolving Loan Funds. Loans are offered at 2.0% interest for up to 30 years (or the useful life of the project). The major advantage to the Solid Waste Division by utilizing the CWSRF would be the budget stability. Capital Improvement Project cost projections could be estimated for the next 8-10 years and that overall amount could be requested to be placed on the CWSRF Priority list. The specific funds would then be requested only as specific projects are performed. The amount budgeted within the Solid Waste Capital Improvement budget would then be the loan payment, which would be consistent from year to year.

Please note that the Water Treatment and Wastewater Treatment Divisions have utilized CWSRF for all recent major projects.

One requirement of the CWSRF Loan Application if the "Resolution of Governing Body of Applicant", which is a resolution authorizing filing of an application with NDDEQ for a loan under the Clean Water Act and/or the Safe Drinking Water Act. Within the packet is Resolution #1 for *Engineering Services* and Resolution #2 for the *Project Construction.*

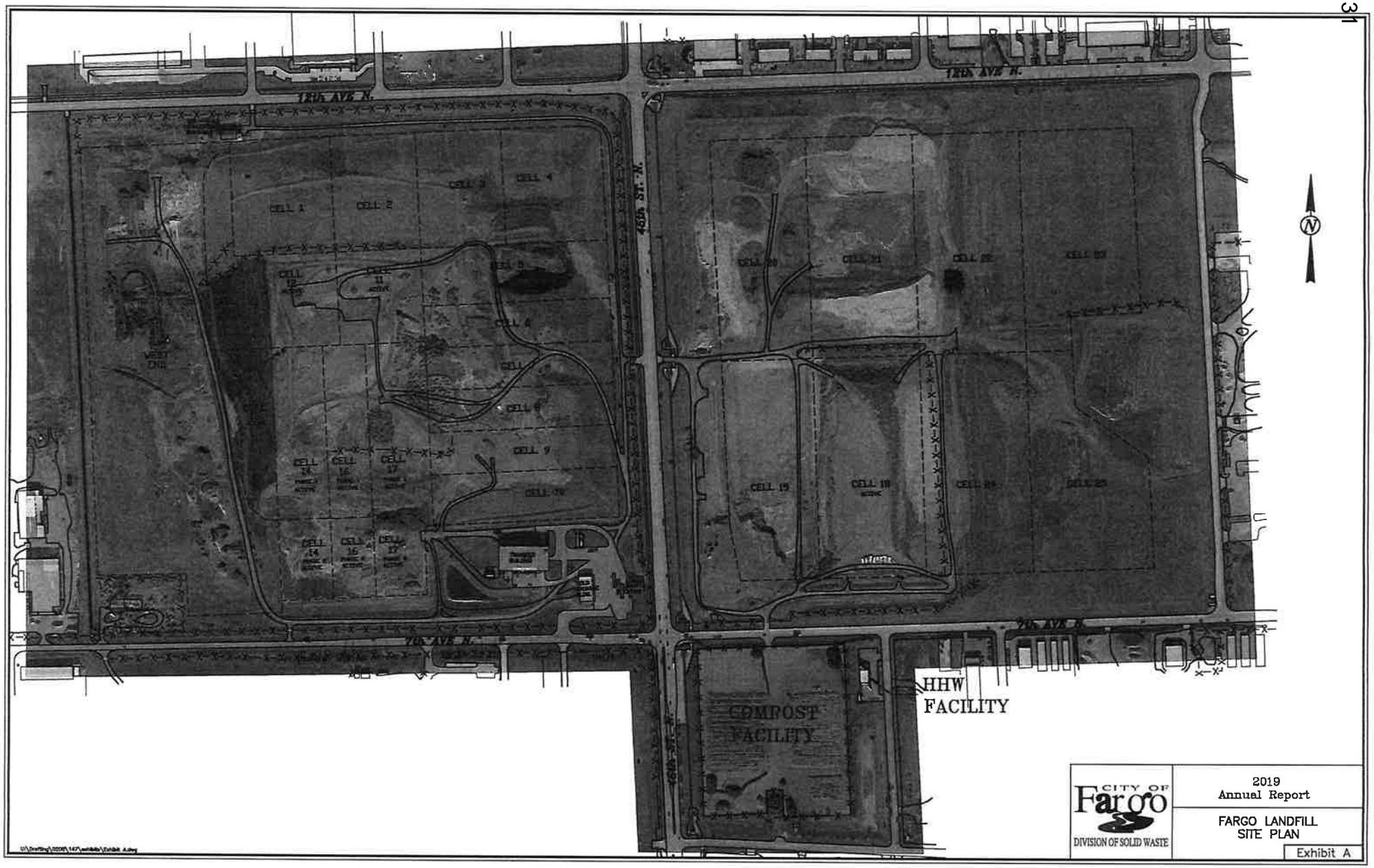
Recommendation

Approve the resolution(s) authorizing filing of an application with North Dakota Department of Environmental Equality for a loan under the Clean Water Act and/or the Safe Drinking Water Act.

Respectfully Submitted,

Terry Ludlum
Solid Waste Utility Director

cc: Bruce Grubb, City Administrator
Steve Sprauge, City Auditor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7th AVE N.
COMPOST FACILITY
HHW FACILITY
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CITY OF Fargo
DIVISION OF SOLID WASTE
2019 Annual Report
FARGO LANDFILL SITE PLAN
Exhibit A

RESOLUTION OF GOVERNING BODY OF APPLICANT
(Suggested Format)

RESOLUTION NO. 1

Resolution authorizing filing of application with the North Dakota Department of Environmental Quality for a loan under the Clean Water Act and/or the Safe Drinking Water Act.

WHEREAS, under the terms of the Clean Water Act and/or the Safe Drinking Water Act, the United States of America has authorized the making of loans to authorized applicants to aid in the construction of specific public projects: Now, Therefore, BE IT RESOLVED Fargo City Commission *(Governing Body of Applicant)*

1. That Terry Ludlum, Solid Waste Utility Director *(Designated Official)* be and is hereby authorized to execute and file an application on behalf of the City of Fargo, North Dakota *(Legal Name of Applicant)* with the North Dakota Department of Environmental Quality for a loan to aid in the construction of:

   Engineering services for reclamation and redevelopment a former landfill site, that is not meeting today's leachate regulations, to remove a potential environmental liability and provide the region with additional solid waste management disposal volume meeting current landfill standards.

   (Brief Project Description)

2. That Terry Ludlum / Scott Olson *(Name of Authorized Representative)*, Solid Waste Utility Director / Solid Waste Utility Engineer *(Title)* be and is hereby authorized and directed to furnish such information as the North Dakota Department of Environmental Quality may reasonably request in connection with the application which is herein authorized to be filed, to sign all necessary documents, and, on behalf of loan recipient, to accept loan offer and receive payment of loan funds.

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting City Auditor *(Title of Officer)* of the City of Fargo, North Dakota *(Legal Name of Applicant)* does hereby certify that the attached resolution is a true and correct copy of the resolution, authorizing the filing of application with the North Dakota Department of Environmental Quality, as regularly adopted at a legally convened meeting of the Fargo City Commission *(Name of Governing Body of Applicant)* duly held on the 1 day of June, 2021; and further that such resolution has been fully recorded in the journal of proceedings and records in my office.

In WITNESS WHEREOF, I have hereunto set my hand this 1 day of June, 2021.

(SEAL)
If applicant has an official seal, impress here

(Signature of Recording Officer)

City Auditor
(Title of Recording Officer)

RESOLUTION OF GOVERNING BODY OF APPLICANT
(Suggested Format)

RESOLUTION NO. 2

Resolution authorizing filing of application with the North Dakota Department of Environmental Quality for a loan under the Clean Water Act and/or the Safe Drinking Water Act.

WHEREAS, under the terms of the Clean Water Act and/or the Safe Drinking Water Act, the United States of America has authorized the making of loans to authorized applicants to aid in the construction of specific public projects: Now, Therefore, BE IT RESOLVED Fargo City Commission *(Governing Body of Applicant)*

1. That Terry Ludlum, Solid Waste Utility Director *(Designated Official)* be and is hereby authorized to execute and file an application on behalf of the City of Fargo, North Dakota *(Legal Name of Applicant)* with the North Dakota Department of Environmental Quality for a loan to aid in the construction of:

   Reclamation and redevelopment a former landfill site, that is not meeting today's leachate regulations, to remove a potential environmental liability and provide the region with additional solid waste management disposal volume meeting current landfill standards.

   (Brief Project Description)

2. That Terry Ludlum / Scott Olson *(Name of Authorized Representative)*, Solid Waste Utility Director / Solid Waste Utility Engineer *(Title)* be and is hereby authorized and directed to furnish such information as the North Dakota Department of Environmental Quality may reasonably request in connection with the application which is herein authorized to be filed, to sign all necessary documents, and, on behalf of loan recipient, to accept loan offer and receive payment of loan funds.

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In WITNESS WHEREOF, I have hereunto set my hand this 1 day of June, 2021.

(SEAL)
If applicant has an official seal, impress here

(Signature of Recording Officer)

City Auditor
(Title of Recording Officer)

THE CITY OF Fargo FAR MORE

(44)

MEMORANDUM

TO: **BOARD OF CITY COMMISSIONERS**

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

DATE: **MAY 27, 2021**

SUBJECT: **PROPERTY TAX EXEMPTION POLICIES**

I have drafted revised policies for the use of property tax exemptions. Attached is the proposed new policy and a redline version showing differences from the current policy.

Many of the changes remove "administrative" and 'process" descriptions to focus the policy on goals and objectives and qualification requirements.

I will present these changes at the City Commission meeting and request that you provide your questions, thoughts, and comments over the next two weeks.

Attachments:

- Proposed 2021 Policy
- Redline of changes from current policy

City of Fargo Tax Exempt Review Committee

Policy & Guidelines

2021

Tax Exempt Review Committee
225 Fourth Street North
Fargo, North Dakota 58102

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Economic Development Guidelines

Remodeling Exemption Guidelines

Residential New Construction Guidelines

Core Neighborhood Guidelines

Brownfield Redevelopment Guidelines

Downtown Redevelopment Guidelines

Low Income Housing Guidelines

Tax Exempt Review Committee Members

Map of Downtown Incentive Area

Mission Statement

The City of Fargo supports the mission of economic and community development through the use of available tax incentive programs offered to the private sector. The goal of this mission is to create high quality jobs by attracting new, and expanding existing, primary sector businesses; promote historic preservation and redevelopment of the downtown district; support affordable housing opportunities; support the redevelopment of brownfield sites; support the redevelopment of blighted properties in core neighborhoods; and; grow the city's tax base which, collectively, enhance the city's livability, vibrancy and quality of life. The responsibility to initiate, sustain and implement economic development shall be borne primarily by the private sector with the city supporting qualifying efforts with reasonable public and private cooperation.

Effective Date and Term

This policy is effective as of the date of adoption and shall remain in effect until the next review. The next review will follow the June 2022 City election.

Available Incentive Options Reviewed By Tax Exempt Review Committee

Remodeling Exemption (N.D.C.C. 57-02.2)
This provides for an exemption of buildings that have been improved by means of renovation, remodeling, alteration, or additions. It does not apply to the replacement of one building with another. The amount of valuation added to the original assessment due to the remodeling within the existing structure may be exempted for a period of 5 years on projects started on or after August 1, 1999; 3 years on projects started prior to that. This is available to all commercial properties and residential buildings that are at least 25 years old.

Residential New Construction Exemption (N.D.C.C. 57-02-08)
This has allowed for an exemption of up to $150,000 in value on newly constructed residential dwellings, duplexes, townhomes, and condominiums. Separate exemptions are allowed to builders and first owners after the builder.

New or Expanding Business Exemption/PILOT (N.D.C.C. 40-57.1) This allows for a 5-year exemption for buildings of certain new or expanding business projects. A 10 year exemption may be granted to projects producing or manufacturing a product from agricultural commodities. In addition to, or instead of a property tax exemption, projects may be granted an option to set up to 20 years of payments in lieu of taxes (PILOT). The amount of those payments would be determined through negotiations with the City and the project operator.

Tax Increment Financing (N.D.C.C. 40-58)
This allows for the encouragement of private enterprise to rehabilitate or redevelop urban renewal areas by means of tax increments. This may be provided by the issuance of bonds to be paid back by the private operator through the incremental difference in property taxes between the original value and rehabilitated property value. This may also be provided in the form of a tax exemption with an amount granted initially and the incremental exempted tax being applied to reduce that amount with interest.

Incentive Options Available Through The Planning & Development Department

Renaissance Zone Incentives (N.D.C.C. 40-63)
This allows for the encouragement of private investment to rehabilitate or redevelop downtown Fargo through the use of property tax, state income tax and historic preservation & renovation tax credit incentives. The Renaissance Zone Authority administers the Zone incentives.

Community Development Incentives
In an effort to develop a high quality downtown and neighborhoods by providing quality housing and a suitable living environment, a combination of the above programs will be utilized.

Policy for Economic Development Projects

The City of Fargo will use the general review criteria below in evaluating the applications for assistance. These are broad areas of consideration which serve as part of the underlying City economic development policy.

Economic Impact to the City of Fargo
The economic impact to the City to be considered will be determined by increased construction activity and the purchase of local equipment, goods and services. Also, consideration will be given in terms of the size of the payroll and the value of the real property which ultimately serves to increase the tax base of the city.

Diversification and Growth of the Economic Base
The City is concerned about attracting and retaining companies that provide diversification from the existing industrial base in order to bring about a more stable economic environment in the city.

Number and Type of Jobs to be Created
The City of Fargo is interested in knowing the projection for job creation over the term of the assistance. Consideration will be given to the salary, benefits, and type of jobs to be created or anticipated jobs to be added in the future.

Local Competition
It is the intention of the City to not give an unfair advantage over other local existing companies through the use of these incentives.

Benefits To Accrue To The Project Operator
It is the intention of the City of Fargo that benefits granted accrue to the successful applicant, whether the applicant is the owner or tenant of a property, unless approval is otherwise specified.

Quality and Growth Potential of the Client
Consideration will be given to the company's reputation in other areas of the country in terms of the client's track record, credit history, stability, and overall industry standing. The City will also be interested in the company's past history of growth, potential for future growth, and the general outlook for growth of the industry as a whole.

Kinds of Businesses Targeted For Possible Incentives

- The City will only assist primary sector businesses.
- Primary sector businesses are those in which at least 70% of the revenues generated by the end product or service they provide come from outside the Fargo trade area (150-mile radius). The end product may be completed by another firm (i.e. Cardinal Glass provides glass to Integrity Windows). This information will be provided by the business as part of the application process.
- The business must request "Primary Sector" designation from the ND Department of Commerce and submit that information along with the incentive application.

General Evaluation Objectives For Economic Development Projects

- Targeted primary sector businesses are:
    1. Those engaged in manufacturing, remanufacturing or processing of a raw material or base product.
    2. Those providing packaging and distribution of end products.
    3. Service industries that are involved in data processing, data communications, telecommunications services, computer software development, technology support, research facilities, research and development of new technologies, or any form of information processing.

- The City is sensitive to concerns of providing assistance if jobs are simply being relocated within the Fargo Trade Area.

Kinds of Businesses Not Eligible For Economic Development

- Retail or any business selling directly to the consumer
- Health Care industry
- Education industry
- Hospitality services (hotels, restaurants, taverns, etc.).
- Professionals (architects, attorneys, physicians, dentists, CPA's, real estate developers, investment advisors, advertising/public relations advisors)
- General office facilities.
- General warehousing facilities

Evaluation Point System To Be Used As A Guide

A point system will be utilized as a guide in evaluating primary sector projects for possible incentive programs. Although the point system will not be the final determining factor regarding eligibility for incentives, it will be used as a tool to quantify certain criteria.

General Evaluation Objectives For Economic Development Projects

A total of ??? points is required for recommended approval under the point system. Following is a breakdown of the criteria evaluated by the point system:

Project Type:

Points	Project Description
+38	Manufacturing
+25	Support Services
+25	Primary Sector Distribution
+38	Primary Sector Service Industry
+38	Technology Research

-

Jobs Created (Initial Year):

Points	Number of Jobs
+ 10	1-10
+25	11-50
+40	51-100
+50	101-250
+75	251+

Jobs Created (Year 3):

Points	Number of Jobs
+ 10	1-10
+25	11-50
+40	51-100
+50	101-250
+75	251+

Points	Hourly Salary must also provide health care benefits, retirement, or substantially higher wages.	
- 25	Under $13.00	
+ 0	$13.01 - $15.00	A weighted average
+25	$15.01 - $20.00	of points will be
+30	$20.01 - $28.00	used according to
+35	$28.01 - $35.00	the number of jobs
+50	Over $35.00	created in each range.

Local Competition:

Points	% of Gross Income With Any Local Competition
+25	0% - 10%
+15	11% - 30%
+0	31% - 50%
-25	Over 50%

Company Safety Experience Rating

Points	City Set Standard
-25	Below City determined standard
+10	Average
+25	Better than Average

Value of Proposed Buildings:

Points	Proposed Building Value
+ 0	Up to $80,000
+ 5	$80,001 - $100,000

+ 10	$100,001 - $500,000
+ 15	$500,001 - $1,000,000
+20	$1,000,001 - $5,000,000
+ 25	$5,000,001 - $10,000,000
+ 40	$10,000,000 - $15,000,000
+ 50	Over $15,000,000

Startup Firms:

Points	Startup
+15	New "startup" business or new to the metro area.

Timing Of Filing Application:

Not Eligible for consideration

If filed after start of construction on a new building

If filed after lease of an existing building, unless lease is contingent on property tax incentive.

Standard Exemption For Primary Sector Businesses

The standard exemption for primary sector projects meeting the general objective of targeted businesses for this incentive that meet the criteria in the evaluation point system for jobs created and project size: Years 1 through 5 - 100% exemption on the improvement value.

For an expansion of an existing business, the eligible exemption will apply to the increased value of the improvements added for the expansion.

Policy on Review and Reporting

Except in cases of assistance for housing, a business incentive agreement must be signed prior to the City Assessor reporting the tax exemption to the County. The agreement will describe the type and value of the incentive as well as stated goals to be met. Periodic reporting will required of the recipient to monitor the stated goals.

Reporting will no longer be required once the goal has been met.

The stated goal may be extended for up to two years if it is determined circumstances made achievement impossible. If, after extending two years and it is determined a decrease in goals is justified, the goals may be decreased after a public hearing.

If not extended or reduced and the goal has not been met, the recipient must pay back the amount of incentive granted, prorated to reflect partial fulfillment.

Remodeling Exemption Guidelines

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

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

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

Residential & Apartment Property

5 year exemption for value added due to remodeling and additions to buildings 25 years old and older.

Commercial Property

5 year exemption for value added due to remodeling and additions to buildings 25 years old and older. Additions that exceed the existing value of the building must be reviewed by the tax exempt review committee, with a recommendation sent to the City Commission.

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

2 Year Residential New Construction Exemption Guidelines

The governing body of the city must approve the exemption by resolution and may amend or rescind that resolution at any time. The City may also limit or impose conditions on this exemption, including the time period for which it is allowed.

This exemption promotes the construction of dwelling units thereby encouraging the volume of employment, enhancing living conditions and increasing the tax base. However, the limited availability of the exemption to the majority of the local population warrants close review of the need for it to encourage that activity.

The City of Fargo will pass a resolution allowing for this exemption and the terms and conditions of the incentive. The City will periodically review the option of adopting a new resolution expanding or limiting the terms of this exemption as economic conditions or state statute may change.

New Single Family Residence Owned By Builder & Unoccupied
Up to five properties per builder per year may be exempt up to $150,000 of building value if the homes are unoccupied and owned by the builder. The maximum term of exemption is for the taxable year construction began and one following taxable year.

New Single Family Residence Owned By First Owner After The Builder
The first owner after the builder may receive an exemption on up to $150,000 of building value for new single-family, condominium and townhouse residences. The maximum term of the exemption is for the two taxable years after the taxable year construction is completed and the residence is occupied for the first time by the owner.

Core Neighborhood Housing - Payment In Lieu Of Tax Policy and Guidelines

The purpose of this policy is to establish the City of Fargo's position relating to the use of Payment in Lieu of Taxes (PILOT) for private housing development in core neighborhoods. The fundamental purpose is to encourage desirable development or redevelopment that would not otherwise occur but for the assistance.

It is the intent of the City to provide the minimum amount of tax exemptions, at the shortest term required, for the project to proceed.

As a matter of policy, the City will consider using PILOT to assist private housing development projects to achieve one or more of the following objectives:

- To create opportunities for affordable housing.

- To encourage additional unsubsidized private development in the area, either directly or indirectly through "spin off" development.

- To assist developers enough to achieve development on sites which would not be developed without PILOT assistance.

- To remove blight and/or encourage the development of new housing that provides housing in areas of core neighborhoods consistent with the Core Neighborhood Plan.

- To offset increased costs of redevelopment (i.e. contaminated site cleanup, infrastructure needs, and higher land costs) over and above the costs normally incurred in development.

- To contribute to the implementation of other public policies, as adopted by the City, such as the promotion of quality urban or architectural design, energy conservation, and decreasing capital and/or operating costs of local government.

POLICIES FOR THE USE OF PILOT

For projects without affordable housing, the maximum PILOT incentive will be a 100% exemption for the first 5 years, and a 50% exemption *for* an additional 5 years.

For projects with affordable housing, the maximum PILOT incentive will be a 100% exemption for a maximum of 20 years.

To the extent required by state, federal, local law, or regulations, a relocation plan should be provided by the developer. Relocation payments

to tenants of businesses or residential uses must be made. These relocation payments should follow state/federal guidelines, as applicable. for assistance (NDCC Ch. 54-01.1 and USC).

The amount or value of the PILOT tax exemption will be limited to the extraordinary costs of development, and the extraordinary costs are limited to following costs.

1. The costs of land acquisition, subject to the limits outlined in the next policy

2. Relocation of existing tenants.

3. The costs of demolition, including the removal of building foundations, parking lots, and the removal and replacement of unsuitable soil.

4. Public improvements that are in the public right-of-way such as sidewalks, driveway approaches, lighting, and connections to the water, sanitary sewer, and storm water systems.

5. On site storm water retention including the cost of excavation, underground storm water lines, or underground storage facilities. It does not include water collection systems such as parking lots, sidewalks, or curb/gutters.

6. Architectural and engineering costs are limited to those necessary services to implement other activities allowed by this policy. Developer fees and legal costs are not permitted.

Land acquisition or land write-down costs must meet the requirements outlined as follows:

1. The eligible costs recouped to the developer shall be evaluated in a case-by-case basis, but the maximum should be the lesser of:
    - The total acquisition cost for the property, provided the acquisition cost is no more than 150% of the assessor's market value for the property. This 150% limit applies to the total of all properties acquired, not a property by property limit.
    - The difference between what was paid by the developer for the property less the assessor's market value for the land (as opposed to land and buildings).

The estimated value of the PILOT assistance should be limited to a percentage up to 15% of hard capital costs of development including the costs of acquisition. Developer must provide at least 10% of total capital costs as Developer's equity in the project.

When undertaking any PILOT project the due diligence procedures in determining the feasibility and level of public assistance must be reviewed by the City's financial consultant in conjunction with City staff.

The development should be compatible with long-term City redevelopment plans, and create a high quality development that will have a positive impact on the tax base and the surrounding area. The developer's agreement should include design standards to ensure that the development will be compatible with the long term plans for the area.

1. The project must be consistent with the City's Comprehensive Plan, the Core Neighborhood Land Use Plan, and the Land Development Code.

Brownfield Redevelopment Guidelines

Policy Purpose

The purpose of this policy is to establish the City of Fargo's (City) position relating to the use of Tax Increment Financing (TIF) for encouraging redevelopment of brownfield sites with private development. This policy shall be used as a guide in the processing and review of applications requesting tax increment assistance. The fundamental purpose of TIF in Fargo is to encourage desirable development or redevelopment that would not otherwise occur but for the assistance provided through TIF.

It is the intent of the City to provide the minimum amount of TIF at the shortest term required for the project to proceed. Objectives of Tax Increment Financing

As a matter of adopted policy, the City will consider using TIF to assist development projects to achieve one or more of the "City Objectives" listed in the evaluation criteria section of this policy.

1. Designated Redevelopment Areas

In order to maximize the ability of the City to meet its redevelopment goals, the City may designate redevelopment areas. In order to designate a redevelopment area, a plan for the redevelopment area will:

- Document existing conditions;
- Describe the plan for the future, and;
- Outline activities needed to implement the plan

Designation of the Redevelopment may occur in two ways.

- The designation may be at the request of a property owner and/or developer that has a proposed redevelopment plan.

- The designation may be initiated by the City Commission for an area where the City would like to see development, and then work with property owners within the TIF district to implement projects consistent with the development plan.

City of Fargo Policies for the Use of TIF

These policies are to provide guidance to developers who are considering making a request for TIF funding, and to guide City Commission decisions in the development of renewal plans and development agreements. When renewal plans are initiated by the City, not all of these policies are applicable to those plans.

When undertaking a redevelopment project on a defined parcel(s) of land, slum or blighted conditions on a portion of the property or properties should exist. A City

Commission declaration of underdeveloped property for the purposes of using TIF assistance will outline activities needed to implement the redevelopment.

When undertaking a redevelopment or development project using a TIF exemption or TIF revenue note, the length of the term of this note is limited to 15 years.

The length of a TIF may extend beyond 15 years when used for city infrastructure, public parking, or community development efforts, such as, affordable housing, replacement housing, public space, and public art.

To the extent required by state, federal, or local law or regulations, a relocation plan should be provided in the development or renewal plan. When undertaking a redevelopment project on underdeveloped parcel(s) of land, relocation payments to

tenants of businesses or residential uses must be made. These relocation payments must follow state and federal guidelines, as applicable, for assistance.

Land acquisition or land write-down costs must meet the requirements outlined as follows:

1. The eligible costs recouped to the developer shall be evaluated in a case-by-case basis, but the maximum should be the lesser of:
    a. The total acquisition cost for the property, provided the acquisition cost is no more than 150% of the assessor's market value for the property. This 150% limit applies to the total of all properties acquired, not a property by property limit.
    b. The difference between what was paid by the developer for the property less the assessor's market value for the land (as opposed to land and buildings).

With respect to redevelopment, eligible costs, are limited to the following:

A. The cost of acquiring, or the market value, of all or part of the industrial or commercial property;
B. Costs of demolition, removal, or alteration of buildings and improvements on the industrial or commercial property, including the cost of clearing and grading land;
C. Costs of installation, construction, or reconstruction of streets, utilities, parks, and other public works or improvements necessary for carrying out the development or renewal plan; and
D. All interest and redemption premiums paid on bonds, notes, or other obligations issued by the municipality to provide funds for the payment of eligible public costs of development.

TIF assistance to the developer should be limited to a percentage of up to 15% of hard capital costs of development including the costs of property acquisition, and public facilities.

The limit of 10% may be exceeded if the project will include a community development purpose, for example, accepting lower rates of return to provide affordable housing, or other public benefits. Examples:

1. Direct investment in public or free publicly accessible private spaces.
2. Direct and ongoing investment in public art.
3. Development of affordable or replacement housing.
4. City equity treated equally to other investor equity with City returns to be used by City for community development purpose, which should be used in the nearby neighborhoods.

If funds are used for a City project, a public-private partnership, or for public benefit, the total TIF costs may exceed the limits stated in policy #8, including but not limited to the following:

- If funds are going to pay for public parking, public infrastructure, or other public investments such as rehabilitation or provision of affordable or replacement housing in the nearby neighborhoods or areas, or other public improvement not directly related to the project.
- Affordable housing, ideally in conjunction with the use of 4% or 9% Low Income Housing Tax Credits

When undertaking any TIF project that provides assistance to a developer, the due diligence procedures in determining the feasibility and level of public assistance must be reviewed by the City's financial consultant in conjunction with the City's staff.

When undertaking any TIF project within the City of Fargo, a non-refundable administrative fee set by schedule must be paid by the developer.
The redevelopment should be compatible with long-term City redevelopment plans, and create a high quality redevelopment that will have a positive impact on the tax base and the surrounding area. The developer's agreement should include design standards to ensure that the development will be compatible with the long-term plans for the area.

Applicants for TIF assistance must be in good standing with the City. Good standing means current in property taxes, utility fees, city accounts, and no significant history of unresolved code violations

Developers' agreements will include terms that require documentation of TIF eligible costs, allow for an audit at the discretion of the City, and require cooperation with the city staff or auditors.

On large scale projects, the City may require a review of the financial performance of the project in the future, and if the project has a significantly higher than expected return on investment, the amount of the TIF assistance may be reduced.

Renewal Plans may include terms that allow for the city to use a portion of the TIF revenue for the preservation or replacement lower density housing in neighborhoods adjacent to higher density housing projects. The housing plan would be outlined in the Renewal Plan.

Evaluation Criteria for Assistance to Developers

The City of Fargo has established multiple objectives that should be met to qualify for Tax Increment Financing. Since there are different types of developments, the objectives for each of the development types is different. The three types of projects anticipated are:

1. Housing
2. Commercial or Industrial
3. Downtown or Mixed Use

Housing projects should meet at least 5 of the 7 objectives listed below.

- The housing development is served by existing infrastructure of the development or will upgrade the infrastructure to meet the needs of the development.
- The housing is compatible with the adjacent area or the future land use in the area.
- Sidewalks bike trails, or a transit stop within 4 blocks of the housing development.
- The project has a high quality design, exceeding the requirements of the Land Development Code.
- The project includes affordable housing, workforce housing, or includes a plan to replace some of the housing eliminated by the development
- The housing project eliminates blighted conditions or substandard buildings.
- The project will create significant growth in the tax base on the site.

Commercial projects should meet at least 5 of the 8 objectives listed below.

- The development is served by existing infrastructure of the development or will upgrade the infrastructure to meet the needs of the development.
- Sidewalks bike trails, or a transit stop within 4 blocks of the housing development.
- The commercial/industrial development is expected to contain some primary sector business or jobs.
- The development will include some public spaces or public art.
- The project cleans up brownfield conditions.
- The project eliminates blighted conditions or substandard buildings.
- The project will create significant growth in the tax base on the site.
- The project is expected to encourage additional development on adjacent sites.
- The project has a high quality design.

Downtown or Mixed Use (Mixed use is commercial/housing in the same development.) Projects should meet at least 7 of the 11 objectives listed below.

- The development is served by existing infrastructure of the development or will upgrade the infrastructure to meet the needs of the development.
- The project is compatible with the adjacent area or the future land use in the area.
- Sidewalks bike trails, or a transit stop within 4 blocks of the housing development.
- There is an adequate parking and access plan, preferably with shared parking by the different land uses.
- The development is expected to contain some primary sector business or jobs.
- The development will include some public spaces or public art.
- The project cleans up brownfield conditions.
- The project eliminates blighted conditions or substandard buildings, or replaces surface parking.
- The project will create significant growth in the tax base on the site.
- The project is expected to encourage additional development on adjacent sites.
- The project contains businesses that will provide needed services or goods used by adjacent land uses.

Downtown Housing Guidelines - PILOT

New Apartments Within *Downtown Incentive Area*

Market rate Downtown Apartments: Years 1 through 5 - 100% exempt on the increased value of the improvements. Years 6 through 15 - The percentage exempt will be based on a financial review and "but for" test. The amount exempt will be no more than 90% of the improved value.

If Market Rate housing includes at least 10% of the housing to be what the City considers "affordable, the City may approve up to a 100 percent exemption based on a financial review and "but for" test.

Low Income Housing Guidelines PILOT

Apartment Buildings for Lower Income Households

Lower Income Apartments: Years 1 through 20 – The percentage of exemption may be up to 100% of the improvement value for the period of time that the housing will serve low income housing.

Incentives for lower income apartments may be for new buildings and substantial rehabilitation necessary to maintain existing lower income apartments units.

Lower income apartments are those where the developer is required to rent to lower income households at below market rent as required by the Department of Housing and Urban Development, the Low Income Housing Tax Credit Program, the ND Housing Finance Agency, or a recorded land use restrictive covenant agreement.

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City of Fargo Tax Exempt Review Committee

Policy & Guidelines

~~July~~ 2020~~0~~1

Tax Exempt Review Committee
225 Fourth Street North
Fargo, North Dakota 58102

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Mission Statement

The City of Fargo supports the mission of economic and community development through the use of available tax incentive programs offered to the private sector. The goal of this mission is to create high quality jobs by attracting new, and expanding existing, primary sector businesses; promote historic preservation and redevelopment of the downtown district; support affordable housing opportunities; support the redevelopment of brownfield sites; support the redevelopment of blighted properties in core neighborhoods; and; grow the city's tax base which, collectively, enhance the city's livability, vibrancy and quality of life. The responsibility to initiate, sustain and implement economic development shall be borne primarily by the private sector with the city supporting qualifying efforts with reasonable public and private cooperation.

Effective Date and Term

This policy is effective as of ~~January 28, 2019~~the date of adoption and shall remain in effect until the next review. The next review will follow the June 2022~~0~~ City election.

Available Incentive Options Reviewed By Tax Exempt Review Committee

Remodeling Exemption (N.D.C.C. 57-02.2) ~~[Page 8]~~
This provides for an exemption of buildings that have been improved by means of renovation, remodeling, alteration, or additions. It does not apply to the replacement of one building with another. The amount of valuation added to the original assessment due to the remodeling within the existing structure may be exempted for a period of 5 years on projects started on or after August 1, 1999; 3 years on projects started prior to that. This is available to all commercial properties and residential buildings that are at least 25 years old.

Residential New Construction Exemption (N.D.C.C. 57-02-08) ~~[Page 9]~~
This has allowed for an exemption of up to $~~75~~150,000 in value on newly constructed residential dwellings, duplexes, townhomes, and condominiums. ~~New legislation in 2008 expanded this exemption to up to $150,000 with s~~Separate exemptions are allowed to builders and first owners after the builder.

New or Expanding Business Exemption/PILOT (N.D.C.C. 40-57.1) ~~[Page 10]~~
This allows for a ~~5 year~~5-year exemption for buildings of certain new or expanding business projects. A 10 year exemption may be granted to projects producing or manufacturing a product from agricultural commodities. In addition to, or instead of a property tax exemption, projects may be granted an option to set up to 20 years of payments in lieu of taxes (PILOT). The amount of those payments would be determined through negotiations with the City and the project operator.

Tax Increment Financing (N.D.C.C. 40-58)
This allows for the encouragement of private enterprise to rehabilitate or redevelop urban renewal areas by means of tax increments. This may be provided by the issuance of bonds to be paid back by the private operator through the incremental difference in property taxes between the original value and rehabilitated property value. This may also be provided in the form of a tax exemption with an amount granted initially and the incremental exempted tax being applied to reduce that amount with interest.

Incentive Options Available Through The Planning & Development Department

Renaissance Zone Incentives (N.D.C.C. 40-63)
This allows for the encouragement of private investment to rehabilitate or redevelop downtown Fargo through the use of property tax, state income tax and historic preservation & renovation tax credit incentives. The Renaissance Zone Authority administers the Zone incentives.

Community Development Incentives
In an effort to develop a high quality downtown and neighborhoods by providing quality housing and a suitable living environment, a combination of the above programs will be utilized.

~~General Evaluation Objectives For Job Creation and Retention Projects~~
Policy for Economic Development Projects

The City of Fargo will use the general review criteria below in evaluating the applications for assistance. These are broad areas of consideration which serve as part of the underlying City economic development policy. ~~More specific detailed policies and guidelines may apply differently to each individual incentive option. Each incentive option will be administered according to the appropriate state law in conjunction with the specific policy or guideline adopted by the Fargo Board of City Commissioners.~~

Economic Impact to the City of Fargo
The economic impact to the City to be considered will be determined by increased construction activity and the purchase of local equipment, goods and services. Also, consideration will be given in terms of the size of the payroll and the value of the real property which ultimately serves to increase the tax base of the city.

Diversification and Growth of the Economic Base
The City is concerned about attracting and retaining companies that provide diversification from the existing industrial base in order to bring about a more stable economic environment in the city.

Number and Type of Jobs to be Created
The City of Fargo is interested in knowing the projection for job creation over the term of the assistance. Consideration will be given to the salary, benefits, and type of jobs to be created or anticipated jobs to be added in the future.

Local Competition
It is the intention of the City to not give an unfair advantage over other local existing companies through the use of these incentives.

Benefits To Accrue To The Project Operator
It is the intention of the City of Fargo that benefits granted accrue to the successful applicant, whether the applicant is the owner or tenant of a property, unless approval is otherwise specified.

Quality and Growth Potential of the Client
Consideration will be given to the company's reputation in other areas of the country in terms of the client's track record, credit history, stability, and overall industry standing. The City will also be interested in the company's past history of growth, potential for future growth, and the general outlook for growth of the industry as a whole.

Kinds of Businesses Targeted For Possible Incentives
- The City will ~~typically~~ only assist primary sector businesses.
- Primary sector businesses are those in which at least 70% of the revenues generated by the end product or service they provide come from outside the Fargo trade area (150-mile radius). The end product may be completed by another firm (i.e. Cardinal Glass provides glass to Integrity Windows). This information will be provided by the business as part of the application process.
- The business must ~~receive~~ request "Primary Sector" designation from the ND Department of Commerce and submit that information along with the incentive application.

General Evaluation Objectives For ~~Job Creation and Retention~~Economic Development Projects

- Targeted primary sector businesses are:
    1. Those engaged in manufacturing, remanufacturing or processing of a raw material or base product.
    2. Those providing packaging and distribution of end products.
    3. Service industries that are involved in data processing, data communications, telecommunications services, computer software development, technology support, research facilities, research and development of new technologies, or any form of information processing.

- The City is sensitive to concerns of providing assistance if jobs are simply being relocated within the Fargo Trade Area.

Kinds of Businesses ~~Typically~~ Not Eligible For ~~Incentives~~Economic Development

- Retail or any business selling directly to the consumer
- Health Care industry
- Education industry
    - ~~Property that is occupied by a public, as opposed to private, school, academy, college or other institution of learning for the use of students in attendance upon such public educational institution would be eligible for incentives.~~
- Hospitality services (hotels, restaurants, taverns, etc.).
- Professionals (architects, attorneys, physicians, dentists, CPA's, real estate developers, investment advisors, advertising/public relations advisors)
- General office facilities.
- General warehousing facilities

Evaluation Point System To Be Used As A Guide

A point system will be utilized as a guide in evaluating primary sector projects for possible incentive programs. Although the point system will not be the final determining factor regarding eligibility for incentives, it will be used as a tool to quantify certain criteria.

General Evaluation Objectives For ~~Job Creation and Retention~~Economic Development Projects

A total of ~~100~~ ??? points is required for recommended approval under the point system. Following is a breakdown of the criteria evaluated by the point system:

Project Type:

Points	Project Description
+38	Manufacturing
+25	Support Services
~~+13~~	~~Distribution~~
+25	Primary Sector Distribution
+38	Primary Sector Service Industry
+38	Technology Research
~~-63~~	~~Common Service Industry~~
~~-63~~	~~Warehousing~~
~~-63~~	~~Retail~~
~~-63~~	~~Lodging Industry~~

Jobs Created (Initial Year):

Points	Number of Jobs
+ ~~-~~10	1-10
+2~~1~~5	11-50
+~~20~~40	51-100
+~~25~~50	101-250
+~~30~~75	251+

Jobs Created (Year 3):

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+75	251+

Points	Hourly Salary ~~w/o~~ must also provide health care b~~B~~enefits, retirement, or substantially higher wages.	
- 25	Under $13.00	
+ 0	$13.01 - $15.00	A weighted average
+25	$15.01 - $20.00	of points will be
+30	$20.01 - $28.00	used according to
+35	$28.01 - $35.00	the number of jobs
+50	Over $35.00	created in each range.

Local Competition:

Points	% of Gross Income With Any Local Competition
+25	0% - 10%
+15	11% - 30%
+0	31% - 50%
-25	Over 50%

Company Safety Experience Rating

Points	City Set Standard
-25	Below City determined standard
+10	Average
+25	Better than Average

~~General Evaluation Objectives For Job Creation and Retention Projects~~

Value of Proposed Buildings:

Points	Proposed Building Value
+ 0	Up to $80,000
+ 5	$80,001 - $100,000
+ ~~7.5~~10	$100,001 - $500,000
+ ~~10~~15	$500,001 - $1,000,000
+~~12.5~~20	$1,000,001 - $5,000,000
+ ~~15~~25	$5,000,001 - $10,000,000
+ ~~20~~40	$10,000,000 - $15,000,000
+ ~~30~~50	Over $15,000,000

Startup Firms:

Points	Startup
+15	New "startup" ~~projects~~business or new to the metro area.

Timing Of Filing Application:

~~Points~~	~~Application Filing~~Not Eligible for consideration
~~-100~~	If filed after start of construction on a new building
~~-100~~	If filed after ~~occupancy on~~lease of an existing building, unless lease is contingent on property tax incentive.

EDITORS NOTE – GO TO PAGE 10 FOR LAST ECONOMIC DEVELOPMENT SECTION.

General Evaluation Objectives For Job Creation and Retention Projects

Below is an example using the point system on a sample project:

Exemption Evaluation Calculator			117.9
SAMPLE	-	-	Points
Project Type Code (Ctrl-C to view)		1	38.0
Current Number Of Employees	-	171	-
Hourly Salary Without Benefits	# Jobs		
Under $13.00	0		
$13.01-$15.00	0		
$15.01-$20.00	25		
$20.01-$28.00	15	Pts. For # Jobs ->	20.0
$28.01-$35.00	0	Pts. For $ Jobs ->	19.9
Over $35.00	15		
TOTAL # OF JOBS CREATED	55		
% GI w/ Local Competition (not downtown)		75%	-25.0
Value of Proposed Buildings	-	$ 5,004,300	15.0
Downtown Location (Y/N)	-	Y	25.0
Exemption Needed (Y/N)	-	N	-
Startup Firm (Y/N)	-	N	0.0
Has Const Started or Has Bldg Been Occupied If Existing (Y/N)	-	N	0.0
Number of Years (Exemption)	-	10	-
Building Age (if substantial renovation)		0	0.0
RECOMMENDATION IS TO	-	APPROVE	
Description	-	Manufacturing	
Estimated New Annual Payroll	-	$2,782,000	
Estimated Annual Real Estate Tax		$116,913	
Estimated PV of Exemption	-	$902,771	
Payroll / PV of Exemption	-	3.1	
Property Value / # of Jobs	-	$ 90,987	

Remodeling Exemption Guidelines

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

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

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

Residential & Apartment Property

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

5 year exemption for value added due to remodeling and additions to buildings ~~40~~ 25 years old and older.

Commercial Property

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

5 year exemption for value added due to remodeling and additions to buildings 25 years old and older. ~~within the Downtown Incentive Area.~~ Additions that exceed the existing value of the building must be reviewed by the tax exempt review committee, with a recommendation sent to the City Commission.

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

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

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

2 Year Residential New Construction Exemption Guidelines

The governing body of the city must approve the exemption by resolution and may amend or rescind that resolution at any time. The City may also limit or impose conditions on this exemption, including the time period for which it is allowed.

This exemption promotes the construction of dwelling units thereby encouraging the volume of employment, enhancing living conditions and increasing the tax base. However, the limited availability of the exemption to the majority of the local population warrants close review of the need for it to encourage that activity.

The City of Fargo will pass a resolution allowing for this exemption and the terms and conditions of the incentive. The City will periodically review the option of adopting a new resolution expanding or limiting the terms of this exemption as economic conditions or state statute may change.

New Single Family Residence Owned By Builder & Unoccupied
Up to five properties per builder per year may be exempt up to $150,000 of building value if the homes are unoccupied and owned by the builder. The maximum term of exemption is for the taxable year construction began and one following taxable year.

New Single Family Residence Owned By First Owner After The Builder
The first owner after the builder may receive an exemption on up to $150,000 of building value for new single-family, condominium and townhouse residences. The maximum term of the exemption is for the two taxable years after the taxable year construction is completed and the residence is occupied for the first time by the owner.

EDITORS NOTE: THE SECTION BELOW IS TO BE MOVED UP TO THE ECONOMIC DEVELOPMENT GUIDELINES.

~~***New or Expanding Industry Exemption / Payment In Lieu Of Tax Policy and Guidelines***~~

~~Businesses, whether commercial, industrial, or service are eligible for this exemption or PILOT if they meet the State requirements and the following guidelines:~~
~~A $250.00 non-refundable fee for public notices and processing of applications must be paid before any notices are published.~~
~~A new business to the community must not gain unfair advantage with existing competitors through the use of the exemption.~~
~~An existing business is eligible if expansion of the business includes new jobs, a dramatic increase in sales (projected or verified) and/or diversion into another line of product sales or production.~~
~~Warehousing and retail projects would not receive exemptions unless the owner could prove need or provide other information to justify granting the exemption.~~
~~An option to establish up to 20 years of payments in lieu of property taxes may be available to qualifying projects and will be evaluated on a case by case basis.~~
~~PILOT payment schedules will be granted based on a percentage of building exemption for each defined yearly term. The actual annual payment amounts will be determined based upon the Assessor's initial completed property appraised value and the prevailing, most recently certified mill levy.~~

Standard Exemption For Primary Sector Businesses

The standard exemption for primary sector projects meeting the general objective of targeted businesses for this incentive that meet the criteria in the evaluation point system for jobs created and project size: Years 1 through 5 - 100% exemption on the improvement value.

For an expansion of an existing business, the eligible exemption will apply to the increased value of the improvements added for the expansion.

~~**New Apartment Buildings Within *Downtown Incentive Area***~~

~~Market rate Downtown Apartments: Years 1 through 5 - 100% exempt on the increased value of the improvements. Years 6 through 15 - The percentage exempt will be based on a financial review and "but for" test. The amount exempt will be no more than 90% of the improved value.~~

~~**Apartment Buildings for Lower Income Households**~~

~~Lower Income Apartments: Years 1 through 20 – The percentage of exemption may be up to 100% of the improvement value based on a financial review and "but for" test.~~

~~Incentives for lower income apartments may be for new buildings and substantial rehabilitation necessary to maintain existing lower income apartments units.~~

~~Lower income apartments are those where the developer is required to rent to lower income households at below market rent as required by the Department of Housing and Urban Development, the Low Income Housing Tax Credit Program, the ND Housing Finance Agency, or a recorded land use restrictive covenant agreement.~~

~~*New or Expanding Industry Exemption / Payment In Lieu Of Tax Policy and Guidelines*~~

~~Significant Commercial Construction/Renovation~~

~~Private development of non-housing or mixed use projects with both housing and commercial use consisting of major building renovations or substantial new construction are eligible for a maximum of the following:~~

~~Years 1 through 10 – 100% of the improvement value~~
~~Years 11 through 15 – 75% of the improvement value~~

~~Projects will include a "but for" review to determine if the incentive is necessary to make the project financially feasible. They will be evaluated to determine if the project will bring added commerce activity to benefit other businesses. Analysis will also be done to determine if the incentive will provide an unfair advantage over existing businesses. Total investment must be in excess of $8,000,000.~~

~~Project must comply with at least one of the following:~~

- ~~Significant new building construction of at least 40,000 square feet, equivalent in quality to Class A office with high quality exterior finish.~~
- ~~Building is over 50 years old and complies with historic preservation standards.~~
- ~~Renovation is greater than 50% of the current value of the building.~~
- ~~Project complies with historic preservation standards~~
- ~~Provides small living units or element of affordability.~~

~~Manufacturing or Processing a Product From An Agricultural Commodity~~

~~Years 1 through 10 – 100% of the improvement value~~

~~Additional~~ Policy on Review and Reporting~~and Procedure Guidelines~~

Except in cases of assistance for housing, a business incentive agreement must ~~accompany an application for incentives that are valued at $25,000 or more in any given year.~~be signed prior to the City Assessor reporting the tax exemption to the County. The agreement will describes the type and value of the incentive as well as stated goals to be met. Periodic reporting will required of the recipient to monitor the stated goals.

Reporting will no longer be required once the goal has been met.

The stated goal may be extended for up to two years if it is determined circumstances made achievement impossible. If, after extending two years and it is determined a decrease in goals is justified, the goals may be decreased after a public hearing.

If not extended or reduced and the goal has not been met, the recipient must pay back the amount of incentive granted, prorated to reflect partial fulfillment.

University Mixed UseCore Neighborhood Housing - Payment In Lieu Of Tax Policy and Guidelines

For the purposes of this policy, the term "City" shall include the Fargo City Commission.

The purpose of this policy is to establish the City of Fargo's position relating to the use of Payment in Lieu of Taxes (PILOT) for private housing development in core neighborhoods beyond the requirements and limitations set forth by State Law. This policy will be used as a guide in the processing and review of applications requesting Payment in Lieu of Taxes. The fundamental purpose is to encourage desirable development or redevelopment that would not otherwise occur but for the assistance.

The City of Fargo is granted the power to utilize PILOT under North Dakota Statute N.D.C.C. 40-57.1 TAX EXEMPTIONS FOR NEW AND EXPANDING BUSINESSES, as amended. It is the intent of the City to provide the minimum amount of tax exemptions, at the shortest term required, for the project to proceed. The City reserves the right to approve or reject projects on a case-by-case basis taking into consideration established policies, project criteria, and demand on city services in relation to the potential benefits from the project. Meeting policy criteria does not guarantee the award of PILOT to the project. Approval or denial of one project is not intended to set precedent for approval or denial of another project.

I. OBJECTIVES OF PILOT PROGRAM IN THE UNIVERSITY MIXED USE ZONE

As a matter of adopted policy, the City will consider using PILOT to assist private housing development projects to achieve one or more of the following objectives:

- To create opportunities for affordable housing.

- To encourage additional unsubsidized private development in the area, either directly or indirectly throughindirectly through "spin off" development.

- To assist developers enough to achieve development on sites which would not be developed without PILOT assistance.

- To remove blight and/or encourage the development of new housing that that is of high quality and provides housing in close proximity to North Dakota State Universityareas of core neighborhoods consistent with the Core Neighborhood Plan.

- To offset increased costs of redevelopment (i.e. contaminated site cleanup, infrastructure needs, and higher land costs) over and above the costs normally incurred in development.

~~*University Mixed Use Payment In Lieu Of Tax Policy and Guidelines*~~

• To contribute to the implementation of other public policies, as adopted by the City, such as the promotion of quality urban or architectural design, energy conservation, and decreasing capital and/or operating costs of local government.

~~II.~~ POLICIES FOR THE USE OF PILOT ~~- University Area~~

~~Policy #1~~

~~The property must be zoned University Mixed Use.~~

~~Policy #2~~

For projects without affordable housing, t~~T~~he maximum PILOT incentive will be a 100% exemption for the first 5 years, and a 50% exemption *for* an additional 5 years~~; applied to the increased value of a redevelopment project~~. ~~This will maintain the base value of the project for the taxing districts.~~

For projects with affordable housing, the maximum PILOT incentive will be a 100% exemption for a maximum of 20 years.

~~Policy #3~~

To the extent required by state, federal, local law, or regulations, a relocation plan should be provided by the developer. Relocation payments to tenants of businesses or residential uses must be made. These relocation payments should follow state/federal guidelines, as applicable. for assistance (NDCC Ch. 54-01.1 and USC).

~~Policy #4~~

The amount or value of the PILOT tax exemption will be limited to the extraordinary costs of development, and the extraordinary costs are limited to following costs. ~~The amount *of* the assistance is defined as the estimated present value of the future PILOT tax exemptions, which would include an allowance for interest.~~

1. The costs of land acquisition, subject to the limits outlined in ~~Policy #5.~~the next policy

2. Relocation of existing tenants.

3. The costs of demolition, including the removal of building foundations, parking lots, and the removal and replacement of unsuitable soil.

~~***University Mixed Use Payment In Lieu Of Tax Policy and Guidelines***~~

4. Public improvements that are in the public right-of-way such as sidewalks, driveway approaches, lighting, and connections to the water, sanitary sewer, and storm water systems.

5. On site storm water retention including the cost of excavation, underground storm water lines, or underground storage facilities. It does not include water collection systems such as parking lots, sidewalks, or curb/gutters.

6. Architectural and engineering costs are limited to those necessary services to implement other activities allowed by this policy. Developer fees and legal costs are not permitted.

~~7. The required city fees and the estimated costs of interest from the time the costs are paid by the developer to the next February 15 date when property taxes are due to be paid.~~

~~Policy #5~~

Land acquisition or land write-down costs must meet the requirements outlined as follows:

1. The eligible costs recouped to the developer shall be evaluated in a case-by-case basis, but the maximum should be the lesser of:
    - The total acquisition cost for the property, provided the acquisition cost is no more than 150% of the assessor's market value for the property. This 150% limit applies to the total of all properties acquired, not a property by property limit.
    - The difference between what was paid by the developer for the property less the assessor's market value for the land (as opposed to land and buildings).

~~Policy #6~~

The estimated value of the PILOT assistance should be limited to a percentage up to 15% of hard capital costs of development including the costs of acquisition. ~~In other words, the tax exemption assistance will be equal to or less than 15% of hard construction costs plus the land acquisition costs, excluding the costs of professional fees, developer fees, furniture and fixtures, interest, profit, and other soft costs. In addition,~~ Developer must provide at least 10% of total capital costs as Developer's equity in the project.

~~University Mixed Use Payment In Lieu Of Tax Policy and Guidelines~~

~~Policy #7~~

~~PILOT assistance for UMU projects should not be viewed by the developer as an entitlement.~~ When undertaking any PILOT project the due diligence procedures in determining the feasibility and level of public assistance must be reviewed by the City's financial consultant in conjunction with City staff. ~~The financial consultant must use accepted public financing procedures in determining project feasibility and levels of public assistance. Particularly when public assistance includes substantial reimbursement to the developer of costs of acquisition or land write-down amounts, review of the level of public assistance may include an estimate of the return on investment anticipated by the project and analysis as to whether the expected return on investment, including the public assistance, is within reason.~~

~~Policy #8~~

~~When undertaking a PILOT project a non-refundable administrative fee equal to 5% of the total value of the estimated tax exemption must be paid by the developer. These fees are to reimburse the City for costs expended by staff and consultants to determine the feasibility, level of public assistance and the preliminary costs of project development by the City.~~

~~Other City costs such as engineering, bond carrying costs, and annual special assessment administration will be in addition to this administrative fee if warranted. To the extent that PILOT assistance exceeds $2 million or more, the administrative fee on said excess may be negotiated to a sum less than 5%, as may be appropriate. A non-refundable deposit, set by schedule, shall be paid to the City along with an initial application for a PILOT project. The City, upon approval of the Finance Committee, may~~

~~require additional sums to be deposited, from time to time, to defray such costs initially borne by the City. The deposit and any other additional sums paid to the City may be offset against and accredited toward the 5% administrative fee.~~

~~Policy #9~~

~~Applications for PILOT assistance are to be submitted to the Department of Planning and Development and the City Assessor. The application must include a description of the project and an estimate of the level of assistance needed to proceed with the project. The application will be reviewed by the appropriate Committee and the City Commission to determine if City staff, City financial advisors, and the City Attorney should proceed with a review of the project pro-forma, and draft of a developer's agreement.~~

~~Policy #10~~

The development should be compatible with long-term City redevelopment plans, and create a high quality development that will have a positive impact on the tax base and the surrounding area. The developer's agreement should include design standards to ensure that the development will be compatible with the long term plans for the area.

~~Policy #11~~

~~Interest rates allowed to be recouped as eligible costs shall be one percent (1%) over the municipal bond indexed rate for taxable municipal bonds or over such indexed rate for tax-exempt municipal bonds, as appropriate, as identified by the City Finance Director, with consultation with the City's financial advisor as needed.~~

~~Policy #12~~

~~The development should comply with City plans and policies that encourage the development of affordable housing and workforce housing . Rents should not substantially exceed, by more than 50%, fair market rents in Fargo.~~

University Mixed Use Payment In Lieu Of Tax Policy and Guidelines

III. PROJECT QUALIFICATIONS

All University Mixed Use Zoning PILOT projects considered by the City of Fargo must meet each of the following requirements:

1. To be eligible, a project shall result in a minimum increase of $1 million in property valuation, or, if not, the developer shall establish that other goals and objectives of the project warrant approval.

2. The project shall meet at least one of the objectives set forth in Section II and satisfy all the provisions set forth in Section III of this document.

3. The developer shall demonstrate that the project is not financially feasible but for the use of the PILOT program. The projected internal rate of return as determined by the City's financial advisor based upon information provided by the developer must be no more than a percentage that provides a reasonable rate of return of a particular project.

4.1. The project must be consistent with the City's Comprehensive Plan, the Core Neighborhood Land Use Plan, and Zoning Ordinancesthe Land Development Code.

IV.APPLICATION PROCESS

1. Applicant submits letter requesting PILOT support for a project. The letter shall describe the project and shall be submitted to the City Commission for preliminary review and direction authorizing the staff to move forward with the application process.

2. Applicant submits the completed application along with all application fees. (See Policy #8 - non-refundable deposit.)

3. City staff reviews the application and completes the Application Review Worksheet. The application and supporting documentation will be submitted to the City's financial ad visor for due diligence consideration. At least three (3) weeks should be allowed for due diligence review and consideration [upon submittal of a complete and approved application.]

4. Results of the Worksheet and financial review are submitted to the Tax Exempt Review Committee for its recommendation to the City Commission for their approval.

~~5. Notices are published as required.~~

~~6. Public hearing(s) are held on the proposed project as may be required by law.~~

~~7.The City Commission approves or denies approval of the proposal.~~

~~Tax Increment Financing Policy~~Brownfield Redevelopment Guidelines

~~1.~~ Policy Purpose

The purpose of this policy is to establish the City of Fargo's (City) position relating to the use of Tax Increment Financing (TIF) for encouraging redevelopment of brownfield sites with private development~~ above and beyond the requirements and limitations set forth by State Law~~. This policy shall be used as a guide in the processing and review of applications requesting tax increment assistance. The fundamental purpose of TIF in Fargo is to encourage desirable development or redevelopment that would not otherwise occur but for the assistance provided through TIF.

~~The City of Fargo is granted the power to utilize TIF by the Tax Increment Financing Act.~~ It is the intent of the City to provide the minimum amount of TIF at the shortest term required for the project to proceed. ~~The City reserves the right to approve or reject projects on a case-by-case basis, taking into consideration established policies, project criteria, and demand on city services in relation to the potential benefits from the project. Meeting policy criteria does not guarantee the award of TIF to the project. Approval or denial of one project is not intended to set precedent for approval or denial of another project.~~

~~2.~~ Objectives of Tax Increment Financing

As a matter of adopted policy, the City will consider using TIF to assist development projects to achieve one or more of the "City Objectives" listed in the evaluation criteria section of this policy.

~~3.~~1. Designated Redevelopment Areas

In order to maximize the ability of the City to meet its redevelopment goals, the City may designate redevelopment areas. In order to designate a redevelopment area, a plan for the redevelopment area will:

- Document existing conditions;
- Describe the plan for the future, and;
- Outline activities needed to implement the plan

Designation of the Redevelopment may occur in two ways.

- The designation may be at the request of a property owner and/or developer that has a proposed redevelopment plan.

~~*Tax Increment Financing Policy*~~

- The designation may be initiated by the City Commission for an area where the City would like to see development, and then work with property owners within the TIF district to implement projects consistent with the development plan.

~~4.~~ City of Fargo Policies for the Use of TIF

These policies are to provide guidance to developers who are considering making a request for TIF funding, and to guide City Commission decisions in the development of renewal plans and development agreements. When renewal plans are initiated by the City, not all of these policies are applicable to those plans.

~~Policy #1~~

When undertaking a redevelopment project on a defined parcel(s) of land, slum or blighted conditions on a portion of the property or properties should exist. A City Commission declaration of underdeveloped property for the purposes of using TIF assistance will outline activities needed to implement the redevelopment.

~~Policy #2~~

~~When undertaking a redevelopment or development project on an underdeveloped parcel(s) of land, a TIF exemption or TIF revenue note will be the preferred method of providing assistance directly to a developer. Exceptions to this rule will be considered by the City Commission and be based on reasons that can be documented by the developer and confirmed after review by the City's bond consultant.~~

~~Policy #3~~

When undertaking a redevelopment or development project using a TIF exemption or TIF revenue note, the length of the term of this note is limited to 15 years.

~~Policy #4~~

The length of a TIF may extend beyond 15 years when used for city infrastructure, public parking, or community development efforts, such as, affordable housing, replacement housing, public space, and public art.

~~Policy #5~~

To the extent required by state, federal, or local law or regulations, a relocation plan should be provided in the development or renewal plan. When undertaking a redevelopment project on underdeveloped parcel(s) of land, relocation payments to

tenants of businesses or residential uses must be made. These relocation payments must follow state and federal guidelines, as applicable, for assistance.

~~Policy #6~~

Land acquisition or land write-down costs must meet the requirements outlined as follows:

1. The eligible costs recouped to the developer shall be evaluated in a case-by-case basis, but the maximum should be the lesser of:
    a. The total acquisition cost for the property, provided the acquisition cost is no more than 150% of the assessor's market value for the property. This 150% limit applies to the total of all properties acquired, not a property by property limit.
    b. The difference between what was paid by the developer for the property less the assessor's market value for the land (as opposed to land and buildings).

~~Policy #7~~

With respect to ~~non-blighted, or non-slum development or~~ redevelopment, eligible costs, ~~as stated in state law,~~ are limited to the following:

A. The cost of acquiring, or the market value, of all or part of the industrial or commercial property;
B. Costs of demolition, removal, or alteration of buildings and improvements on the industrial or commercial property, including the cost of clearing and grading land;
C. Costs of installation, construction, or reconstruction of streets, utilities, parks, and other public works or improvements necessary for carrying out the development or renewal plan; and
D. All interest and redemption premiums paid on bonds, notes, or other obligations issued by the municipality to provide funds for the payment of eligible public costs of development.

~~Policy #8~~

TIF assistance to the developer should be limited to a percentage of up to 15% of hard capital costs of development including the costs of property acquisition, and public facilities. ~~In other words, The TIF assistance will equal or be less than 15% of hard construction costs including the land acquisition costs, hard capital costs excluding the costs of professional fees, developer fees, furniture and fixtures, interest, profit, and other~~

~~soft costs. In addition, the developer must provide at least 10% of total capital costs as developer's equity in the project.~~

The limit of 10% may be exceeded if the project will include a community development purpose, for example, accepting lower rates of return to provide affordable housing, or other public benefits. Examples:

1. Direct investment in public or free publicly accessible private spaces.
2. Direct and ongoing investment in public art.
3. Development of affordable or replacement housing.
4. City equity treated equally to other investor equity with City returns to be used by City for community development purpose, which should be used in the nearby neighborhoods.

~~Policy #9~~

If funds are used for a City ~~lead~~ project, a public-private partnership, or for public benefit, the total TIF costs may exceed the limits stated in policy #8, including but not limited to the following:

- If funds are going to pay for public parking, public infrastructure, or other public investments such as rehabilitation or provision of affordable or replacement housing in the nearby neighborhoods or areas, or other public improvement not directly related to the project.
- Affordable housing, ideally in conjunction with the use of 4% or 9% Low Income Housing Tax Credits

~~Policy #10 - ROI Analysis, Reasonable Assistance Requirement~~

When undertaking any TIF project that provides assistance to a developer, the due diligence procedures in determining the feasibility and level of public assistance must be reviewed by the City's financial consultant in conjunction with the City's staff. ~~The financial consultant must use accepted public financing procedures in determining project feasibility and levels of public assistance. Particularly when public assistance includes substantial reimbursement to the developer costs of acquisition or land write-down amounts, review of the level of public assistance may include an estimate of the return on investment anticipated by the project and analysis as to whether the expected return on investment, including the public assistance, is within reason.~~

~~*Tax Increment Financing Policy*~~

~~Policy #11 - Projection of Future Increments~~

~~For purposes of projecting future increments to be generated, an assumed maximum increase in valuation will be limited to two percent (2%) per annum. The exact assumptions made for projections is subject to approval by the City on a case-by-case basis.~~

~~Policy #12~~

When undertaking any TIF project within the City of Fargo, a non-refundable administrative fee set by schedule~~,~~ must be paid by the developer~~ after final approval of the City Commission and prior to or at the closing of the transaction~~. ~~These fees are to reimburse the City for costs expended by staff and consultants to determine the feasibility, level of public assistance, and the preliminary costs of project development by the City. Other City costs such as engineering, bond carrying costs, and annual administration will be in addition to the administrative fee if warranted. To the extent that TIF assistance, including administrative fees, exceeds $2 million the administrative fee on said excess may be negotiated to a sum of less than 5%. A non-refundable deposit, set by schedule, shall be paid to the City along with an initial application for a TIF project. The City may require additional sums to be deposited from time to time, to defray such costs initially borne by the City. Such sums may be recouped by the developer as eligible costs as may be agreed between the City and the developer and as allowed by the urban renewal law (N.D.C.C. Chapter 40-58). The non-refundable deposit and any other additional sums paid to the City will be offset against and credited towards the administrative fee.~~

~~Policy #13~~

~~Applications for TIF assistance are to be submitted to the Department of Planning and Development. The application must include a description of the project and an estimate of the level of assistance needed to proceed with the project. A checklist and application will be available from the Department of Planning and Development.~~

~~Policy #14~~

The redevelopment should be compatible with long-term City redevelopment plans, and create a high quality redevelopment that will have a positive impact on the tax base and the surrounding area. The developer's agreement should include design standards to ensure that the development will be compatible with the long-term plans for the area.

~~*Tax Increment Financing Policy*~~

~~Policy #15~~

~~The maximum interest rates allowed to be recouped as eligible costs will be set by schedule. The City Finance Director in consultation with the City's financial consultant will recommend the actual rate.~~

~~Policy #16 – Good standing~~

Applicants for TIF assistance must be in good standing with the City. Good standing means current in property taxes, utility fees, city accounts, and no significant history of unresolved code violations

~~Policy #17 – Post Project Review~~

Developers' agreements will include terms that require documentation of TIF eligible costs, allow for an audit at the discretion of the City, and require cooperation with the city staff or auditors.

On large scale projects, the City may require a review of the financial performance of the project in the future, and if the project has a significantly higher than expected return on investment, the amount of the TIF assistance may be reduced.

~~Policy #18~~

Renewal Plans may include terms that allow for the city to use a portion of the TIF revenue for the preservation or replacement lower density housing in neighborhoods adjacent to higher density housing projects. The housing plan would be outlined in the Renewal Plan.

~~Application & Review Process for Developer Request for TIF Assistance~~

1. ~~Applicant submits letter requesting TIF support for a project. The letter shall describe the project and shall be submitted to the City Commission for preliminary review and direction authorizing staff to move forward with the application process. City Commission approval is required to proceed to application review and plan development.~~
2. ~~Applicant submits the completed application along with all application fees.~~
3. ~~City Staff reviews the application and completes the Application Review Worksheet. The application and supporting documentation will be submitted to the City's financial consultant for due diligence consideration.~~

Tax Increment Financing Policy

Allow at least three (3) weeks for due diligence review and consideration [upon submittal of a complete and approved application].

a. As part of the application review, City staff are authorized to inquire as to the character, reputation, fitness of the applicant to engage in the project and to bear the responsibilities entailed therein, and any other pertinent information. Such inquiries may include background checks on the applicant and principles of the applicant as the case may be.
b. With respect to certain proprietary, commercial, and financial information that is submitted as part of the application, and review process, said information may be exempt from the North Dakota Open Records Law, Chapter 44-04, N.D.C.C., and to the extent that N.D.C.C. 44-04-18.4 allows, it is the City's intention to maintain confidentiality of such information when requested by the applicant.
c. In advance of submission to the City of such confidential records or information, the City and Applicant will make appropriate arrangements for the handling of such information and records to protect the confidentiality thereof.

4. The results of the financial review will be reviewed by the Finance Department.
5. Results of the reviews are submitted to the Renaissance Zone and/or the Tax Exempt Review Committee, for recommendation.
6. The renewal plan or development plan along with all necessary notices, resolutions, and certificates are prepared by City staff and/or consultants.
7. Notices mailed and published as required.
8. Public hearing(s) on the proposed project are held.
9. The City Commission grants final approval or denial of the plans and development agreements.

Application & Review Process for City Initiated Renewal Plans and TIF Districts

1. Renewal Plans and TIF Districts may be proposed by any City Commissioner, the Planning Commission, the City Administration, or the Planning Department. The proposal shall include a boundary, a description of existing conditions, and general plan for development.
2. City Commission directs the preparation of the renewal plan.
3. City Staff prepares a plan for future development.

4. ~~The renewal plan or development plan along with all necessary notices, resolutions, and certificates are prepared by City staff and/or consultants.~~
5. ~~Notices mailed and published as required.~~
6. ~~Public hearing(s) on the proposed project are held.~~
7. ~~The City Commission grants final approval or denial of the plans and tax increment financing district.~~

Evaluation Criteria for Assistance to Developers

The City of Fargo has established multiple objectives that should be met to qualify for Tax Increment Financing. Since there are different types of developments, the objectives for each of the development types is different. The three types of projects anticipated are:

1. Housing
2. Commercial or Industrial
3. Downtown or Mixed Use

Housing projects should meet at least 5 of the 7 objectives listed below.

- The housing development is served by existing infrastructure of the development or will upgrade the infrastructure to meet the needs of the development.
- The housing is compatible with the adjacent area or the future land use in the area.
- Sidewalks bike trails, or a transit stop within 4 blocks of the housing development.
- The project has a high quality design, exceeding the requirements of the Land Development Code.
- The project includes affordable housing, workforce housing, or includes a plan to replace some of the housing eliminated by the development
- The housing project eliminates blighted conditions or substandard buildings.
- The project will create significant growth in the tax base on the site.

~~Tax Increment Financing Policy~~

Commercial projects should meet at least 5 of the 8 objectives listed below.

- The development is served by existing infrastructure of the development or will upgrade the infrastructure to meet the needs of the development.
- Sidewalks bike trails, or a transit stop within 4 blocks of the housing development.
- The commercial/industrial development is expected to contain some primary sector business or jobs.
- The development will include some public spaces or public art.
- The project cleans up brownfield conditions.
- The project eliminates blighted conditions or substandard buildings.
- The project will create significant growth in the tax base on the site.
- The project is expected to encourage additional development on adjacent sites.
- The project has a high quality design.

Downtown or Mixed Use (Mixed use is commercial/housing in the same development.) Projects should meet at least 7 of the 11 objectives listed below.

- The development is served by existing infrastructure of the development or will upgrade the infrastructure to meet the needs of the development.
- The project is compatible with the adjacent area or the future land use in the area.
- Sidewalks bike trails, or a transit stop within 4 blocks of the housing development.
- There is an adequate parking and access plan, preferably with shared parking by the different land uses.
- The development is expected to contain some primary sector business or jobs.
- The development will include some public spaces or public art.
- The project cleans up brownfield conditions.
- The project eliminates blighted conditions or substandard buildings, or replaces surface parking.
- The project will create significant growth in the tax base on the site.
- The project is expected to encourage additional development on adjacent sites.
- The project contains businesses that will provide needed services or goods used by adjacent land uses.

Downtown Housing Guidelines - PILOT

New Apartments Within *Downtown Incentive Area*

Market rate Downtown Apartments: Years 1 through 5 - 100% exempt on the increased value of the improvements. Years 6 through 15 - The percentage exempt will be based on a financial review and "but for" test. The amount exempt will be no more than 90% of the improved value.

If Market Rate housing includes at least 10% of the housing to be what the City considers "affordable, the City may approve up to a 100 percent exemption based on a financial review and "but for" test.

Low Income Housing Guidelines PILOT

Apartment Buildings for Lower Income Households

Lower Income Apartments: Years 1 through 20 – The percentage of exemption may be up to 100% of the improvement value for the period of time that the housing will serve low income housing.

Incentives for lower income apartments may be for new buildings and substantial rehabilitation necessary to maintain existing lower income apartments units.

Lower income apartments are those where the developer is required to rent to lower income households at below market rent as required by the Department of Housing and Urban Development, the Low Income Housing Tax Credit Program, the ND Housing Finance Agency, or a recorded land use restrictive covenant agreement.

~~*City of Fargo Tax Exempt Review*~~ ***Committee*** *Members*

VOTING MEMBERS

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THE CITY OF Fargo FAR MORE

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www.FargoND.gov

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: COMMISSIONERS TONY GEHRIG AND JOHN STRAND

DATE: MAY 27, 2021

SUBJECT: REVIEW OF PILOT PROJECTS IN THE CITY OF FARGO SINCE 2015

Over the past several years, the City of Fargo has utilized the PILOT (Payments in Lieu of Taxes) program as an incentive in its economic development activities. PILOTs, which can span as long as 20 years, were designed to encourage existing or new businesses to expand and add jobs. Per City policy, the exemption must be granted prior to the start of any construction for new buildings or prior to occupancy for existing buildings.

During its review of a PILOT application, the City Commission receives information from the applicant on the number of employees they intend to hire as a result of the PILOT benefits, the hourly wage/salary for those new employees and the value of the new construction or improvements to physical facilities. These factors are important factors in the consideration of the PILOT designation for the applicant.

To ensure the City and its taxpayers are realizing the assured return on investment from PILOTs in Fargo, we feel it is appropriate to undergo a review of quantitative data from approved PILOT projects over the last several years.

We would appreciate your consideration of this matter and urge the passage of the following suggestion motion.

SUGGESTED MOTION: To direct appropriate City staff to undertake a quantitative analysis of all approved PILOT projects in Fargo from 2015 to the present, with the focus on the following areas:

1. The number of planned new employees listed on the application compared to the actual number of employees currently working today.
2. The hourly wages/salaries guaranteed on the application compared to the actual wages/salaries being utilized today.
3. The intended value of physical improvements/additions listed on the application compared to the actual value of the physical infrastructure today.

These analyzes should be completed on or before August 5, 2021 and be presented to the City Commission at its regularly-scheduled meeting on August 9, 2021.

THE CITY OF Fargo FAR MORE

DR. TIMOTHY J. MAHONEY, MAYOR
Fargo City Hall
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1310 | Fax: 701.476.4136
www.FargoND.gov

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: MAY 18, 2021

SUBJECT: APPOINTMENT TO THE BOARD OF ADJUSTMENT

When the City Commission appointed Jared Heller as a regular member of the Board of Adjustment, the Board was left without an alternate member. Staff and citizens have experienced the inability to act on matters before the Board of Adjustment numerous times due to insufficient numbers of members being present. Therefore, it is essential that a full contingent of members plus an alternate be appointed to the Board.

I have attached a web application from Michael Orth, expressing interest in serving as an Alternate member on the Board of Adjustment. He would fill the vacant alternate member position for a term ending June 30, 2024.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To appoint Michael Orth as an alternate member of the Board of Adjustment for a term ending June 30, 2024.

mmappt21boadjustorth

Kember Anderson

From: noreply@cityoffargo.com
Sent: Friday, October 04, 2019 1:50 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:
[Michael Orth]
Mailing Address:
[1321 6th Street South]
City:
[Fargo]
State:
[North Dakota]
Zip:
[58103]
Work Phone:
[7013717942]
Home Phone:
[7013717942]
E-mail:
[michaelorth655@gmail.com]
Which boards or commissions would you like to be considered for?
[Board of Adjustment]
Briefly state why you would like to be on this panel:
[20 years in development and construction experience in the Fargo and greater ND areas. I have seen many issues over the years and would appreciate being part of the team that can provide solutions or possible alternates when issues arrive. Much of my career has been spent on civil grading/LOMR activities, so I understand elevation/grading/drainage issues.]
How many hours per month could you volunteer as a panel member?
[1-2 hours during business. Max of 5 after business hours.]
Please list any past experience you have with city government here or in other cities:
[None]
Please describe any professional experience you have related to the responsibilities of the panel you are interested in:
[VP Construction at PACES Lodging Construction Manager at Kilbourne Construction I have worked closely with Kristy Schmidt and Rick Larson (CoF Engineering Dept) on various projects downtown. They may be willing to provide some insight.]

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

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THE CITY OF Fargo FAR MORE

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: JUNE 1, 2021

SUBJECT: RENAISSANCE ZONE AUTHORITY APPOINTMENTS

The terms of Steve Swiontek and Cari Luchau on the Renaissance Zone Authority expired on January 1, 2021. Mr. Swiontek is willing to continue his service on the Board; however, Ms. Luchau does not wish to be reappointed.

Reid Middaugh has indicated an interest in serving on the Board and I am recommending his appointment. Mr. Middaugh's web application is attached for your reference.

Your favorable consideration of these recommendations is greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Steve Swiontek and the appointment of Reid Middaugh for three-year terms ending January 1, 2024.

mmappt21rza

Kember Anderson

From:	no reply
Sent:	Monday, December 09, 2019 10:32 AM
To:	Commissions Applications
Subject:	New Form Submission: Getting involved in government
Attachments:	Resume 09.09.19.pdf

Name: *[Reid B Middaugh]*
Mailing Address: *[2791 Umber Ct S]*
City: *[Fargo]*
State: *[ND]*
Zip: *[58104]*
Work Phone: *[BLANK]*
Home Phone: *[7012059075]*
E-mail: *[reid.middaugh@gmail.com]*
Which boards or commissions would you like to be considered for? *[Historic Preservation Commission,Housing & Redevelopment Authority,Parking Commission,Planning Commission,Renaissance Zone Authority,Special Assessment Commission]*
Briefly state why you would like to be on this panel: *[Because I care about this community and want to be get more involved with it.]*
How many hours per month could you volunteer as a panel member? *[Approximately four hours per month.]*
Please list any past experience you have with city government here or in other cities: *[n/a]*
Please describe any professional experience you have related to the responsibilities of the panel you are interested in: *[I currently work in the commercial real estate industry.]*

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

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