

FARGO CITY COMMISSION AGENDA
Monday, March 18, 2024 - 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, March 4, 2024).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Receive and file the Summons and Complaint relating to the David Herring and Patricia Frazier vs. First Transit, Inc. d/b/a Transdev Services, Inc.
- 2. Receive and file a Notice of Appeal from a Decision of a Local Governing Body Pursuant to N.D.C.C. § 28-34-01 - Liquid Hospitality, LLC d/b/a Windbreak Saloon v. Board of City Commissioners of the City of Fargo.
- 3. Direct the City Attorney to amend Fargo Municipal Codes 25-1501 and 25-1503 to define the stream of service, to clarify server training requirements and to clarify the age to be employed where alcohol is served.
- 4. Direct the City Attorney to amend Fargo Municipal Code 25-1504.1 to allow for annual background checks on licensees, and to require notification and background checks when managers change.
- 5. Concur with the findings of staff and the Liquor Control Board and apply the penalty matrix of a \$500.00 fine for a first failure to the liquor license violations identified at Royal Liquors.
- 6. Concur with the findings of staff and the Liquor Control Board and apply the penalty matrix of a \$500.00 fine for a first failure to the liquor license violations and a \$500.00 fine for failing to have employees server trained all identified at Pho D'licious.
- 7. Agreement for Special Improvements with County 20 Storage & Transfer, Inc. for municipal improvements in the 46th Avenue Industrial Park Addition (Special Improvement District No. BN-23-J1).
- 8. Receive and file the Amendment to the Franchise Agreement with Cass County Electric Cooperative adding the area annexed by the City of Fargo on 2/23/24.
- 9. Site Authorizations for Games of Chance:
 - a. Plains Art Museum at Wild Bill's Sports Saloon.
 - b. Plains Art Museum at Big Top Bingo.
 - c. Plains Art Museum at Blue Wolf Casino (West Acres Bowl).

10. Applications for Games of Chance:
 - a. North Dakota Autism Center, Inc. for raffle on 4/5/24.
 - b. Knights of Columbus - 6570 for a calendar raffle from 5/1/24 - 5/31/24.
 - c. Fargo Lions for a calendar sports pool from 9/9/24 - 12/30/24.
 - d. El Zagal Escort Motor Patrol for a raffle on 3/23/24.
 - e. United Way of Cass-Clay for a raffle on 3/28/24.
 - f. Anne Carlsen for a raffle on 4/27/24.
 - g. Carson Glore Foundation for a raffle and raffle board on 5/20/24.
 - h. TNT Kid's Fitness and Gymnastics for a raffle on 4/4/24.
11. Developer Agreements with ARD Properties, LLC and Storage Kings ND, LLC for Interstate Business District Addition.
12. Right of Way Use Agreement with EOLA Landholdings, LLC for 4470 24th Avenue South.
13. Bid award to Roers Construction Company LLC in the amount of \$460,483.45 for Project No. SR-24-A1.
14. Negative Final Balancing Change Order No. 2 in the amount of -\$128,978.24 for Improvement District No. BR-23-H1.
15. Change Order No. 3 in the amount of \$35,632.37 and a time extension to Substantial and Final Completion dates of 10/13/23 and 11/12/24 for Improvement District No. BR-23-E1.
16. Memorandum of Offer to Landowner for Easement (Temporary Construction Easement) with New Millennium Real Estate Partners, LLP (Improvement District No. BR-23-G2).
17. Bid award to Northern Improvement Company in the amount of \$2,430,023.07 for Improvement District No. BN-23-J1.
18. Create Improvement District No. BN-23-G (New Paving and Utility Construction).
19. Create Improvement District No. BN-24-A (New Paving and Utility Construction).
20. Create Improvement District No. BR-24-F (Paving and Utility Rehab/Reconstruction).
21. Create Improvement District No. NR-23-C (Storm Sewer Lift Station Rehab/Reconstruction and Incidentals).
22. Create Improvement District No. PR-24-G (Asphalt Mill and Overlay).
23. Contract and bond for Project No. FM-24-A1.
24. Contract and bond for Project No. NR-24-B3.
25. Contract and bond for Improvement District No. BR-24-C1.
26. Lease with Option to Purchase Agreement Nos. 40005534 and 40005536 with CapFirst Equipment Finance, Inc. for copiers at Fire Station No. 1 and the Public Safety Building (RFP23131).
27. Change Order Nos. 10 and 11 in the amount of \$17,956.00 for Fire Station No. 8.
28. Change Order No. 2 in the amount of \$3,443.00 for Fire Station No. 8.

29. Addendum to Purchase of Service Agreement with Cass Human Service Zone.
30. Request for out-of-grade pay for Hunter Hubrig, Emergency Prep Environmental Health Practitioner II, effective 1/1/24 to 3/3/24.
31. Piggyback purchase through the State of North Dakota contract with CODE 4 Services for the purchase of 60 Panasonic Toughbook computers for the Police Department (PBC24143).
32. Set April 1, 2024 at 5:15 p.m. as the date and time for a Public Hearing on a dangerous building located at 1022 9th Avenue North.
33. Direct the City Attorney to amend Fargo Municipal Code Article 13-09 to include a definition for "inoperative."
34. Resolution approving Plat of Autumn Fields Third Addition.
35. Resolution approving Plat of Laverne's Fourth Addition.
36. Extension of unpaid leave for Wayne Hegseth through 5/31/24.
37. Bid award to Northdale Oil, Inc. for fuel purchasing in the 3rd and 4th Quarters of 2024 and execute the Forward Fuel Contract (RFP24111).
38. Services Agreement – Lawn Maintenance Services with Valley Green and Associates (RFP22037).
39. Services Agreement – Lawn Maintenance Services with JT Lawn Services (RFP23056).
40. Easement (Temporary Construction Easement) with the Municipal Airport Authority of the City of Fargo, Cass County, ND.
41. Reject the bids for Waste Water Treatment Plant Flood Protection Improvements Project No. WW1707 and rebid the project.
42. Bills.

REGULAR AGENDA:

43. **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).

***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**

44. **PUBLIC HEARING** – Plat of Meadow View Second Addition (6704-6794 Meadow View Drive South); approval recommended by the Planning Commission on 10/3/23.
45. **PUBLIC HEARING** – Interstate Business District Addition (4753 45th Street North and 4269 40th Avenue North); approval recommended by the Planning Commission on 2/6/24:
 - a. Growth Plan Amendment from Residential Area, Lower-to-Medium Density, Commercial and Proposed Park to Industrial and Commercial.

- b. Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay and P/I, Public and Institutional.
- c. 1st reading of rezoning Ordinance.
- d. Plat of Interstate Business District Addition.

46. **PUBLIC HEARING** - Plat of Alex's First Addition (5080 38th Street South).

47. **PUBLIC HEARING** - Application filed by Border States Industries, Inc. for a Payment in Lieu of Tax Exemption (PILOT) for a project to be located at 3181, 3101 and 3303 43rd Street North and 3030, 3100 and 3190 42nd Street North which the applicant will use primarily for a distribution center.

48. Presentation from czb, LLC on the progress of the Growth Plan 2024.

49. Presentation of the Annual Review of F-M Ambulance, Inc. d/b/a Sanford Ambulance – Fargo.

50. Presentation of the 2023 Police Department's Annual Report.

51. Applications for Property Tax Exemptions for Improvements Made to Buildings:

- a. Erik Barner and Whitney Schreiber Beck Barner, 312 Southwood Drive South (5 years).
- b. Trevor and Kathryn Christianson, 222 Linden Avenue South (5 years).
- c. Richard and Kathleen Lee, 4334 Carrie Rose Lane South (5 years).
- d. Tom and Kelly Borgen, 1006 South Drive South (5 years).
- e. Bradley and Ann Williams, 4336 Carrie Rose Lane South (5 years).
- f. Patrick and Natasha Thomas, 1707 9th Street South (5 years).
- g. Jane Grove, 4332 Carrie Rose Lane South (5 years).
- h. Brian Trauman, 812 7th Street North (5 years).
- i. Richard and Jo Ellen Solberg, 4330 Carrie Rose Lane South (5 years).
- j. David and Rebecca Berg, 4402 Carrie Rose Lane South (5 years).
- k. Dustin Marlatt and Morgan Dewitt, 1614 4th Avenue South (5 years).
- l. Jeannine Galbreath, 4410 Carrie Rose Lane South (5 years).

52. Set 7:30 a.m., Tuesday, April 9, 2024, as the date for the Board of Equalization to meet.

53. Liaison Commissioner Assignment Updates.

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

Minutes are available on the City of Fargo website at www.FargoND.gov/CityCommission.

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City of Fargo Staff Report			
Title:	Meadow View Second Addition	Date:	9/27/2023
		Update:	3/14/2024
Location:	6704-6794 Meadow View Drive South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Lots 1-11, Block 3, Lots 19-34, Block 4, Meadow View Addition and a vacation of a portion of Meadow View Drive South		
Owner(s)/Applicant:	Thompsons Homes / Jon Youness—Eagle Ridge Development	Engineer:	Mead and Hunt
Entitlements Requested:	Major Subdivision (Replat of Lots 1-11, Block 3, Lots 19-34, Block 4, Meadow View Addition and a Vacation and re-dedication of a portion of Meadow View Drive South to the City of Fargo, Cass County, North Dakota)		
Status:	City Commission Public Hearing: March 18, 2024		

Existing	Proposed
Land Use: Platted but not developed	Land Use: Residential
Zoning: SR-4, Single-Dwelling Residential	Zoning: no change
Uses Allowed: SR-4 allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, basic utilities, and certain telecommunications facilities	Uses Allowed: No change
Maximum Density Allowed (Residential): SR-4, Maximum 12.1 units per acre	Maximum Density Allowed (Residential): no change

Proposal:

The applicant requests one entitlement:

1. A major subdivision, entitled **Meadow View Second Addition**, which is a replat of Lots 1-11, Block 3, Lots 19-34, Block 4, Meadow View Addition and a vacation and rededication of a portion of Meadow View Drive South to the City of Fargo, Cass County, North Dakota

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

Surrounding Land Uses and Zoning Districts:

- North: SR-4 Single-Dwelling Residential; platted for single family residences; undeveloped
- East: SR-4 Single-Dwelling Residential; platted for single family residences; undeveloped
- South: SR-4 Single-Dwelling Residential; platted for single family residences; undeveloped
- West: SR-4, Single-Dwelling Residential with single-dwelling residences and P/I Public and Institutional with parks and public open space.

(continued on next page)

Area Plans:

The subject property is located within the 2007 Southeast Growth Plan. This plan designates the subject property as "Residential Area—Lower to Medium Density." The SR-4 zoning district is consistent with this land use designation. No zone change is proposed.

**Context:**

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

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

Parks: Davies Athletic Complex (1880 70th Avenue S) is located approximately 0.3 miles southwest of the subject property and offers baseball/softball amenities. Davies Recreational Pool (7150 25th Street S) is located approximately 0.41 southwest of the subject property and offers concessions, restrooms, and swimming pool amenities. A Fargo Park District property, which includes a bike/pedestrian trail, is included in the project site.

Pedestrian / Bicycle: Pedestrian sidewalks run along 67th and 70th Avenue South, and there is a trail through the park on the east side of the subject property.

MATBUS Routes: The area of the subject property is not served by a MATBUS route.

(continued on next page)

Staff Analysis:

This proposal is somewhat of an experiment conceived by City staff and the developer. The portion of Meadow View Drive South right of way included in the plat will be widened by two feet on either side, for a total increased width of four feet from the current width. The width of the paved road, however, will remain the same. Additionally, driveway spacing will be controlled by negative access easements (NEA's) along the lot frontage, as illustrated on the attached plat. The concept is to be able to have narrower lots along a street in a configuration that still provides sufficient room for snow storage, on-street parking, and street trees. The chart below shows the comparative right of way and paved street widths.

	CURRENT	PROPOSED
Right of Way Width	70 feet	74 feet
Paved Street Width	32 feet	32 feet

LOT WIDTHS: The changes in lot widths are noted in the chart below. The minimum required lot width in the SR-4 zone is 34 feet.

CURRENT BLOCK NUMBER	NUMBER OF LOTS	LOT WIDTH RANGE	PROPOSED BLOCK NUMBER	NUMBER OF LOTS	LOT WIDTH RANGE
4	16 (south side of Block 4 only)	44 to 52 feet	2	20	33 to 52 feet (see Note below)
3	11 (north side of Block 3 only)	31 to 42 feet; Lot 11, on the curve, has a frontage of over 160 feet	1	11	No change lot widths from current
TOTAL	27	----	----	31	----

NOTE Lots 6 through 12, along the inside curve of Block 4 fronting Meadow View Drive South, have a narrower width at the street because of the curve creating wedge-shaped lots, but these lots widen out to the SR-4 minimum 34 feet width at the 15-foot front setback line.

ACCESS: The lots in Meadow View Second Addition all front on Meadow View Drive South.

ZONING: All lots are currently zoned SR-4, Single Dwelling Residential. No zone change is proposed.

VACATION OF RIGHT OF WAY: This plat proposes to vacate and rededicate a portion of the right of way for Meadow View Drive South to account for the increased right of way width. Specific findings for vacation of right of way, from the North Dakota Century Code, are below.

Subdivision

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

- 1. Section 20-0907.C.1 (Development Review Procedures—Subdivisions—Major Subdivisions) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**

The zoning for the residential development on this property is SR-4: Single Dwelling Residential. The SR-4 zoning will accommodate the proposed single-family development. The SR-4 zoning designation is consistent with the "lower to medium density" designation for this property in the 2007 Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

2. **Section 20-0907.C.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The residential lots are zoned SR-4, single-dwelling residential. This zoning is consistent with the 2007 Growth Plan which designates this property for "lower to medium density residential" development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan that specifies the terms of securing installation of public improvements to serve the subdivision. This amenities plan has been reviewed by the Public Works Project Evaluation Committee (PWPEC). Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). In this case, the petition for vacation and the plat are included in the applicant's overall subdivision application and plat. Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C. The final decision on vacation of right of way is made by the City Commission.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

This portion of Meadow View Drive South is undeveloped. The City Engineer's office has verified that no public utilities have been installed in this area yet. The City is starting to install the underground utilities this week but have already redesigned it for this change in ROW.

(Criteria Satisfied)

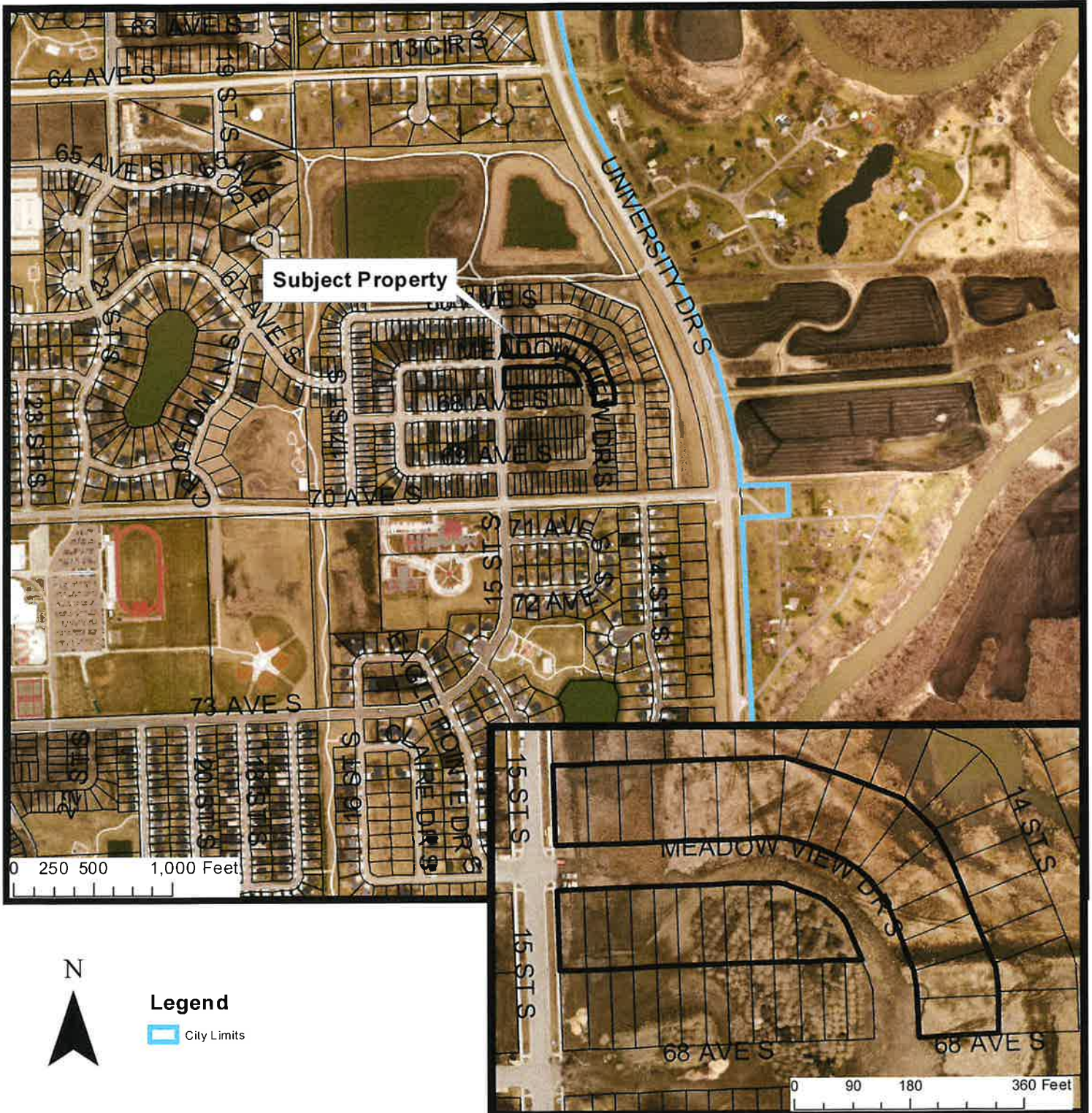
N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds,

<p>streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.</p> <p>In accordance with the requirement of this section, this information is included on the plat and its application. (Criteria Satisfied)</p> <p><i>N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.</i></p> <p>Documentation of said action is located within both the Planning project file and Auditor's file. (Criteria Satisfied)</p> <p><i>N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.</i></p> <p>This hearing is scheduled for the March 18th, 2024 City Commission agenda. (Criteria Satisfied)</p>
<p>Staff Recommendation:</p> <p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to approve the proposed Meadow View Second Addition subdivision plat, including vacation of right of way, as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0907.C of the LDC and all other applicable requirements of the LDC, and of North Dakota Century Code Chapter 40-39-04 to -07."</p>
<p>Planning Commission Recommendation</p> <p>At the October 3rd, 2023 Planning Commission hearing, that Commission, by a vote of 7-0 with two Commissioners absent and two Commission seats vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed Meadow View Second Addition subdivision plat, including vacation of right of way, as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0907.C of the LDC and all other applicable requirements of the LDC, and of North Dakota Century Code Chapter 40-39-04 to -07.</p>
<p>Attachments:</p> <ol style="list-style-type: none"> 1. Location Map 2. Zoning Map 3. Preliminary Plat

Major Subdivision including vacation of right of way

Meadow View Second Addition

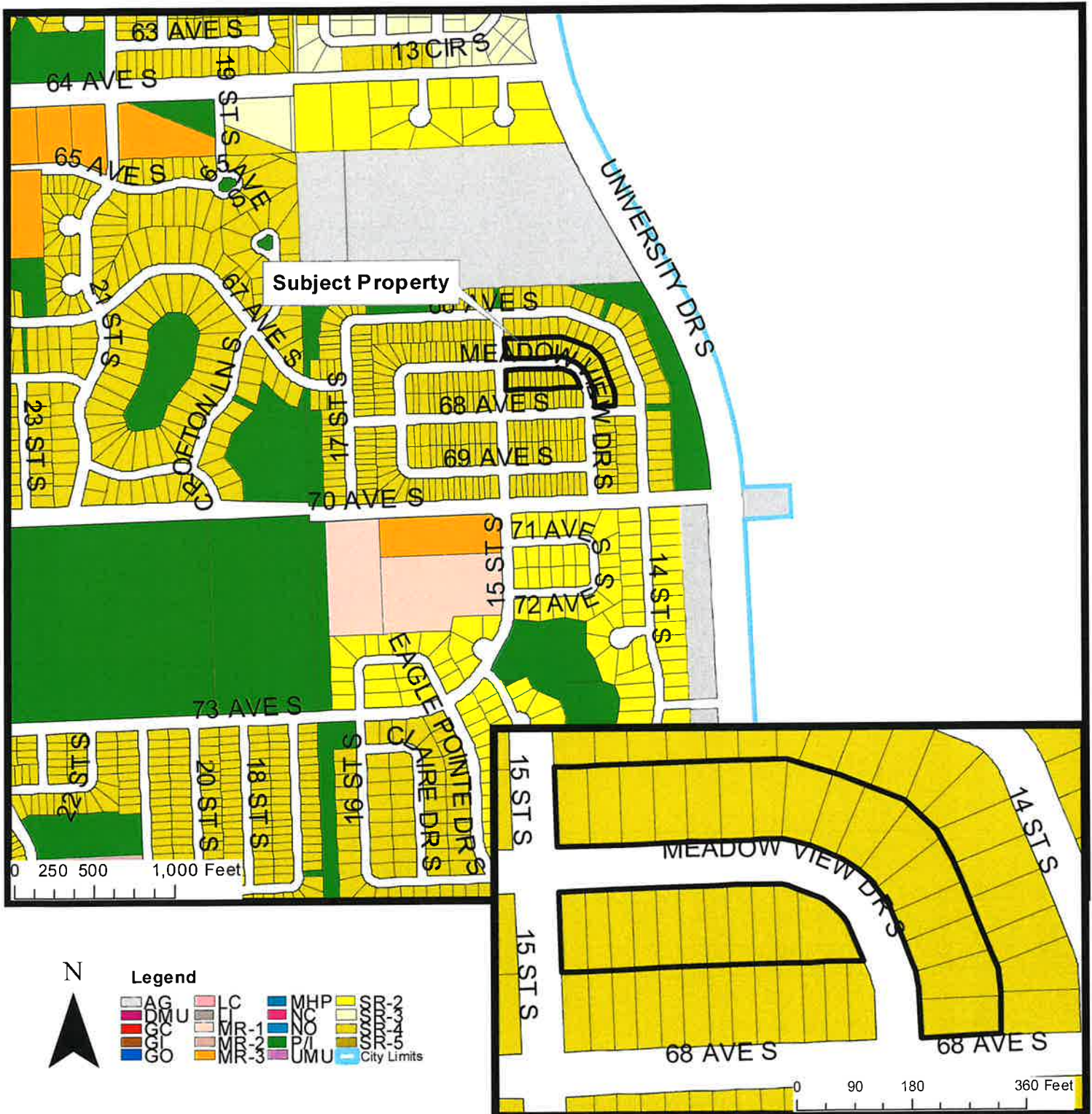
6704-6794 Meadow View Drive South



Major Subdivision including vacation of right of way

Meadow View Second Addition

6704-6794 Meadow View Drive South



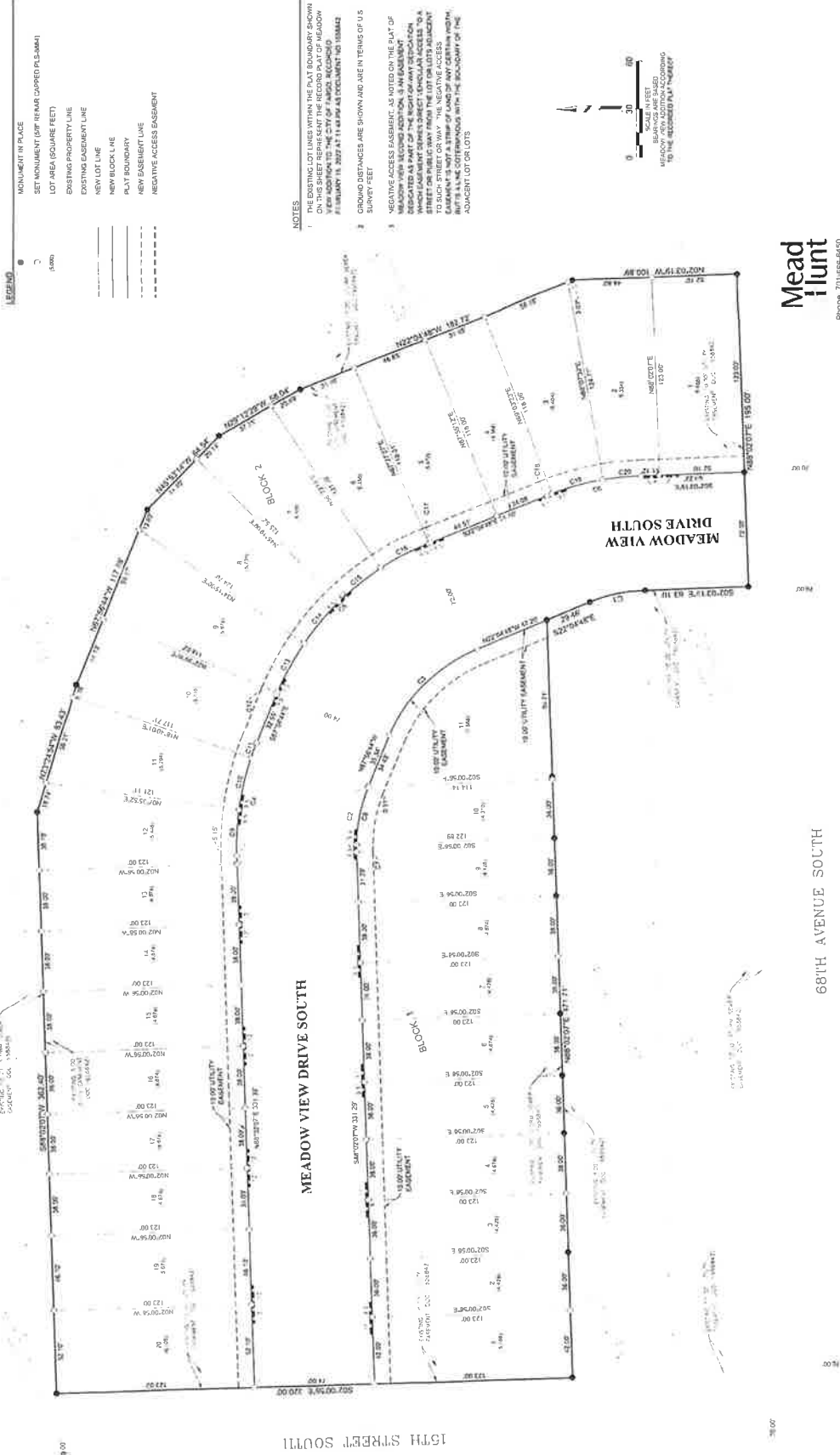
MEADOW VIEW SECOND ADDITION

Phone 701-566-6450
meadhunt.com

PROJECT NO
4609700-211284 01
SHEET 1 OF 3

MEADOW VIEW SECOND ADDITION

4 REPAIRS TO THE 100.5 TUNING, PASS POINT, NORTH 74.7
OF THE SUBJECTS, AVENUES AND 100.5 AND BEING WITHIN 300.0
1.00 3.00 SUBD. 10.00



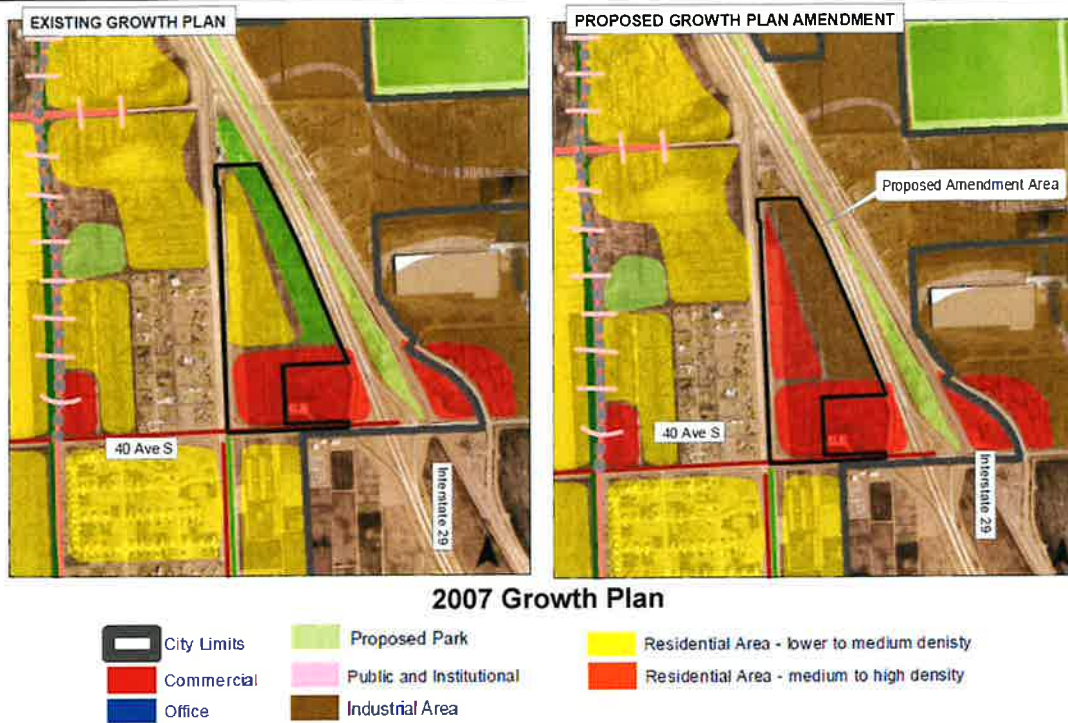
**Mead
Hunt**
Phone 701-566-6450
meadhunt.com

PROJECT NO
4609700-211284 0
SHEET 3 OF 3

68TH AVENUE SOUTH H1.89

City of Fargo Staff Report			
Title:	Interstate Business District Addition	Date:	1/31/24
		Update:	3/14/24
Location:	4753 45th Street North and 4269 40th Avenue North.	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	ARD Properties, LLC; Storage Kings ND, LLC / Tony Eukel, MBN Engineering	Engineer:	Mead & Hunt
Entitlements Requested:	Major Subdivision (Plat of Interstate Business District Addition , a plat of a Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota), a Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial; and a Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional		
Status:	City Commission Public Hearing: March 18th, 2024		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Industrial; commercial; government-owned	
Zoning: AG, Agricultural; LI, Limited Industrial with a conditional overlay, Ordinance No. 4020		Zoning: LI, Limited Industrial, with C-O; GC, General Commercial with C-O; P/I, Public/Institutional	
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities C-O prohibits certain uses as shown above with strikethrough		Uses Allowed: <u>LI—Limited Industrial</u> allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities, <u>GC – General Commercial</u> allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and some telecommunication facilities. <u>P/I – Public and Institutional</u> allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight	

	<p>movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.</p> <p>C-O's on the LI and GC zones prohibit uses as shown above with striketrough, plus provides addition regulations and requirements as noted below. The P/I zoning has no C-O.</p>
<p>AG--Maximum Density Allowed (Residential): 1 dwelling unit per 10 acres.</p> <p>LI--Maximum Lot Coverage Allowed: 85%</p>	<p>LI--Maximum Lot Coverage Allowed: 85% GC--Maximum Lot Coverage Allowed: 85% P/I--Maximum Lot Coverage Allowed: no max</p>
<p>Proposal:</p> <p><i>PROJECT HISTORY NOTE: A somewhat different version of this project was before the City Commission in July and September, 2023. That project was denied at by the City Commission on September 18th, 2023. The applicant submitted the current project in December, 2023. Staff considers this a new project.</i></p> <p>The applicant requests three entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, to be known as Interstate Business District Addition, a plat of a Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota 2. A Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial; and 3. A Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: LI, Limited Industrial with conditional overlay; Opp Construction Company • East: No zoning; Interstate 29 right of way (adjacent to proposed Lots 9-15); and • East: AG, Agricultural; fireworks sales (adjacent to proposed Lot 1) • South: (across 40th Avenue North within city limits) P/I, Public / Institutional; North Dakota State University with agricultural uses; and • South: (across 40th Avenue North, outside city limits) Reile's Acres extra-territorial jurisdiction; undeveloped. • West: (across 45th Street North, outside city limits) Reile's Acres extra-territorial jurisdiction; large lot rural residential uses. 	
<p>Area Plans:</p> <p>The subject property is located within the 2007 Future Land Use Plan. This plan designates the subject property as "Commercial," "Residential Area—Lower to Medium Density," and "Proposed Park." The applicant proposes to amend the growth plan to change the land use designation to "Industrial" and "Commercial" as indicated in the graphics below. Specific findings for the growth plan amendment and a summary of the growth plan amendment neighborhood open house are below.</p> <p>(continued on next page)</p>	

**Context:**

Schools: The subject property is located within the Fargo School District and is served by Washington Elementary, Benjamin Franklin Middle and Fargo North High schools.

Neighborhood: The subject property is not located within a designated neighborhood.

Parks: The Northern Softball Complex is approximately 0.45 mile northeast of the subject property; however, this park is across Interstate 29 and would require an approximately 1.25 mile trip to access it.

Pedestrian / Bicycle: There are no on-road or off-road bike facilities adjacent to this property.

MATBUS Route: The subject property is not on a MATBUS route at this time.

Staff Analysis:

NOTE: In the analysis below, the term "SE Cass" refers to the Southeast Cass Water Resources District, which owns the drainage channels in this portion of Cass County. The abbreviation "ETJ" means "extra-territorial jurisdiction," the area outside of a city's limits over which that city has planning and zoning jurisdiction. The abbreviation "LDC" means Fargo's Land Development Code.

MAJOR SUBDIVISION

The subdivision plat creates 15 lots in one block. The plat depicts dedications of right of way for 44th Street North and 40th Avenue North. The plat also depicts existing easements as well as proposed easements for access and utilities.

ACCESS—DEDICATED PUBLIC STREET: The subdivision will have access points at 40th Avenue North and 45th Street North. The subdivision dedicates 44th Street North, from which all the lots in the subdivision will take access. The northerly end of 44th will cross Drain 40, which is adjacent to the subdivision, by way of a box culvert crossing. An easement from SE Cass is required in order to construct this crossing.

Access to the lots in the subdivision will be provided only by 44th Street. The east side of the subdivision is bordered by Interstate 29 right of way; there can be no direct access to the lots from this right of way or I-29. The west side of the subdivision is bordered Lot 8, which will be dedicated to SE Cass and is not developable. This lot is adjacent to Cass County Drain 40. The only access across the drain and Lot 8 will be provided at the north end of 44th Street. Additionally, there are no pedestrian routes or trails to connect to along the east or west sides of the subdivision. Negative access easements will limit access onto 44th Street North in proximity to the intersection with 40th Avenue North.

ACCESS—TRANSITION FROM EXISTING GRAVEL ROAD: An existing gravel road along the west side of the subject property provides access from 40th Avenue North to Opp Construction, which is adjacent to the northern boundary of the subject property. A temporary access agreement between the applicants, SE Cass, and Opp Construction to guarantee that access to Opp Construction is provided, has been created. This gravel road will be eliminated when 44th Street North is constructed. Opp will then use 44th Street North as access from 40th Avenue North. The City is not a party to this agreement.

ACCESS—40th AVENUE NORTH / CASS COUNTY HIGHWAY 20: The Cass County Highway Department has jurisdiction over 40th Avenue North, which is also Cass County Highway 20. The Cass County Engineer has determined that a turn lane and a bypass lane must be installed on 40th Avenue North at the time 44th Street is installed. Construction of these additional lanes will be the responsibility of the developer. The subdivision includes a 100-foot right of way dedication on the north side of 40th Avenue. A negative access easement, as depicted on the plat, will prohibit direct access to lots from 40th Avenue North.

PUBLIC WATER and SEWER: Public water and sewer to serve the lots in the subdivision will be provided in the dedicated public street, 44th Street North. Additionally, a large-diameter City of Fargo water line will run north along 44th Street and thence northeast in an easement between Lots 9 and 10 and out of the subdivision as part of the overall City water system.

175 FOOT DRAIN SETBACK: Land Development Code Section 20-0610.F requires that no subdivision may be approved without a notation and delineation of an area 175 feet from the centerline of any legal drain and the applicant for subdivision approval will be required to dedicate such areas to the public for purposes of such drain. This plat accounts for this dedication by dedicating Lot 8, Block 1, to SE Cass.

PROXIMITY AGREEMENT: A proximity agreement for the subdivision has been signed by the applicants. This is a standard agreement between the City of Fargo and owners of property in close proximity to Hector International Airport and the Fargo sewage lagoons, by which the property owner acknowledges the existence of this facility and the potential for aircraft noise and sewage odor. A copy of this agreement is attached. Approval of this agreement is part of the approval motion.

DEVELOPER AGREEMENT

The City Engineer has required a developer agreement between the City and the developer related to the non-protest of future paving of 45th Street North; the detention basin (Lot 2, Block 1); and access to the existing business from 44th Street North. This developer agreement will go to the City Commission as a separate item and is not included in this packet.

GROWTH PLAN AMENDMENT

In order to allow the proposed LI, Limited Industrial and GC, General Commercial zoning, the underlying growth plan, the 2007 Growth Plan, must be amended to change the land use designation for this property from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial. Findings for the growth plan amendment are below.

ZONE CHANGE

The chart below shows the proposed zoning.

Lot Numbers	Zoning
1	GC, General Commercial with C-O, conditional overlay
2	P/I, Public/Institutional—Stormwater detention basin—City of Fargo will own
3 through 7 and 9	GC, General Commercial with C-O, conditional overlay
8	P/I, Public/Institutional—dedicated to SE Cass for Drain 40
10 through 15	LI, Limited Industrial with C-O, conditional overlay

CONDITIONAL OVERLAYS

Both the LI and GC zones are proposed to have a conditional overlay (C-O). This C-O provides additional land use regulations specific to this project, intended to make the project more compatible with its context. A general overview of the C-O is below; the draft C-O is attached. Approval of this C-O is part of the overall approval for the zoning for this project.

- C-O for LI, LOTS 10-15: Prohibits certain uses that would otherwise be allowed by right in the LI zone and restricts off-premise signage along the I-29 property frontage to no more than four billboards, not more than three of which can be digital billboards. There is one existing digital billboard on the property. This billboard is included in the total of four billboards, and total maximum of three digital billboards. Staff notes that without this restriction, a maximum of eight billboards could be installed on the lots along the subdivision's I-29 property frontage
- C-O for GC, LOT 1: Prohibits certain uses that would otherwise be allowed by right in the GC zone; prohibits off-premise signage.
- C-O for GC, LOTS 3-7 and 9: Prohibits certain uses that would otherwise be allowed by right in the GC zone; prohibits off-premise signage; requires buffering.
- The conditional overlay does not apply to the P/I zoned lots, Lots 2 and 8.

NEIGHBORHOOD MEETING PRIOR TO FEBRUARY 6th PLANNING COMMISSION HEARING:

Pursuant to Land Development Code Section 20-0905.E, a public open house is required for a proposed growth plan amendment. The intent of this open house is to allow residents and property owners in the area an opportunity to meet with the developer to review and comment on the proposed growth plan amendment. This meeting was held on Thursday, January 18th, at City Hall. Property owners within a 300-foot radius of the subject property were notified by mail of this meeting, as required by the code section noted above. City of Reile's Acres was also notified. There were 13 attendees at this meeting, plus the applicant's team and Planning Department staff. One Fargo Planning Commissioner also attended a portion of the meeting.

Neighbor comments at the meeting included:

- Can there be a buffer along the boundary between Interstate Business District and the Opp property adjacent to the north?
- When the berm along the west side of the subdivision is installed, it should be done all at once.
- Trees along the berm should be evergreens. These evergreens should be of sufficient size that they have some buffering effect when installed, rather than being baby trees that will be expected to grow. There should be a double row of these trees.
- Have some building design standards. The applicant and staff pointed out that many "industrial" buildings actually have the appearance of a commercial or office building. However, building design standards would confirm that buildings would look like this.
- Add to C-O that storage of crushed material, asphalt, etc. is not allowed.
- Have the C-O eliminate "manufacturing and production" from the allowed uses in LI, or at least have some specification prohibiting "dirty" industry.

PUBLIC COMMENTS RECEIVED PRIOR TO THE FEBRUARY 6th, 2024 PLANNING COMMISSION

Staff received comment e-mails from the mayor of Reile's Acres and from neighboring property owners. Copies of these e-mails are attached and the concerns expressed in the e-mails are summarized below.

- The community does not favor the project's combination of commercial and industrial development.
- The community favors all-GC, General Commercial zoning for the entire project area.
- Concern about the health effects, including cancer, and potential environmental contamination resulting from industrial development.
- The project will have a negative impact on north Fargo business and schools.
- The current project is not much different from the earlier version.
- The proposed zoning will reduce the value of the neighboring residential properties; insufficient research has been done to support staff's position that property value will not be adversely affected.

A statement by a local real estate agent regarding property value was included in the comment letters

- No vision has been provided for future development as to what actual future business will be developed in this subdivision
- The City of Fargo has shared a need for residential housing but not for industrial-zoned property.
- The examples the applicant showed of residential development near industrial zoning and development in Fargo are actually situations where the industrial existed first and the residential came later.
- Additional restrictions should be added to the conditional overlay to mitigate negative effects of industrial development
- One zoning is approved, surrounding owners will have no notice of proposed building permits, as the building permit process is administrative and does not involve public hearings.
- A petition opposing this development signed by surrounding residents was included in the comment letters.

ACTION AT THE FEBRUARY 6th, 2024 PLANNING COMMISSION HEARING

At the February 6th, 2024 Planning Commission, Planning Department staff made a presentation of the project. The Commission asked staff to clarify the item in the conditional overlay regarding the number of digital billboards that will be allowed on the project site. Staff has made this clarification.

APPLICANT'S TESTIMONY

In their testimony, the applicant and his representative made the following points:

- Explained difference between finished and unfinished product and stated there would be no piles of rubble on the sites.
- Stated that he had compromised with the concerns of the neighborhood by
 - having the lots on the west side be zoned GC, General Commercial rather than having all lots zoned LI, Limited Industrial as originally proposed;
 - eliminating concrete crushing as a use; and
 - committing to install a berm with trees which is beyond the buffering requirements of the Land Development Code (*this berm requirement is in the conditional overlay for Lots 3 through 7*).
- Stated that separation distances between commercial and residential and between residential and industrial on this project site exceed any distances they have found in Fargo between these uses.
- Pointed out what he believed would be the tax benefits to the City of this development, and that this development would also attract businesses.
- Noted that Planning Department staff has consistently recommended approval.

The Commission had no questions for the applicant.

NEIGHBORS' TESTIMONY—OPPOSITION

Four Reile's Acres area residents testified in opposition to the proposal, making the following points:

- The conditional overlay should prohibit the storage of finished product as well as unfinished product.
- The proposed land uses are not consistent with the existing or proposed future land uses in this area
- These residents are opposed to the LI, Limited Industrial zoning proposed, as this zoning includes a "wide open" list of possible uses that cannot be controlled.
- GC, General Commercial is the preferred zoning for this entire project.
- Manufacturing buildings will not look like the examples shown by the applicant.
- Manufacturing uses should not be placed near residential uses, as all manufacturing generates waste, which is dangerous when it escapes to the environment.
- Few industrial uses require an air quality permit from the state to begin operation. Complaint-based inspections of air quality violations are not effective, because by the time the violation is noticed, the nearby residents have already been exposed to potentially hazardous levels of air quality contaminants.

- The nearly 1,000-foot separation between residential and industrial uses is not a long distance when it comes to the potential for air quality contaminants being distributed by wind.
- Risk from particulate matter in the air cannot be reduced by reducing the concentration. The duration of exposure compounds risk over time. This risk will remain; it is difficult to contain, to monitor, and to regulate
- There is no proof of demand for industrial-zoned property in this area. Industrial uses should be kept east of I-29.
- Impacts of noise, traffic and safety, and hours of operation are specific concerns, but the *entire* impact of this project must be considered when deciding whether to approve this project or not.
- The tree buffer will not be fully effective for 10 to 15 years as the trees take time to grow and the proposed buffer recommends mixing deciduous trees with evergreens.
- The examples the applicant showed of residential development near industrial zoning and development in Fargo are actually situations where the industrial existed first and the residential came later.
- The proposal lacks vision. There is no updated growth plan to support this proposal.
- Fargo's Go2030 comprehensive plan advocates for more trees, expresses concern about air quality related to vehicle emissions, and indicates that an intent of plan is to give guidance to landowners and developers. The plan states "No one wants to build next to a lot with an unknown future (page 4)."
- This project, with its commercial and industrial development, will reduce the potential re-sale value of the residential properties in Reile's Acres ETJ by as much as 25 percent. The Planning Department has not produced any documentation to indicate that this reduction won't happen.
- This proposal is against the current growth plan, against the analysis for housing need, and will negatively impact north Fargo businesses and the growth of north Fargo schools

The Commission commented that some of the lots in the Reile's Acres ETJ look like rural farm sites, with several metal buildings, and that it appears several of these lots have businesses operating on them. The Commission asked whether the fact that some of these properties do have businesses on them undercuts the argument about the potential 25 percent reduction in re-sale value.

The residents responded that are not happy with at least one of these businesses but they did not have a say in the establishment of that business. By participating in this hearing, they do have a say in what is established on the subject property. They also commented that there is a difference between one messy neighbor and a large area of industrial development nearby.

NEIGHBORS' TESTIMONY--SUPPORT

Some nearby residents spoke in support of the project, making the following points:

- The applicant has listened to the concerns of the neighbors, negotiated, and made several concessions.
- The buffer and the drain provide a step-down from industrial/commercial to residential.
- This will be a high-quality development and easy to maintain.
- This property was expected to be developed as something other than residential.
- One testifier noted he felt his health was good despite a lifetime of being in the asphalt and concrete businesses.

PUBLIC COMMENTS RECEIVED SINCE THE FEBRUARY 6th, 2024 PLANNING COMMISSION

Planning staff responded to one request for clarification regarding testimony at the February 6th Planning Commission hearing, and also provided that person with contact information for applicant's representative Tom Nelson and for North Dakota legislative district 45 legislators.

FINDINGS

Growth Plan Evaluation Criteria: Section 20-0905(H) of the LDC states that the Planning Commission and City Commission shall consider whether the Growth Plan is consistent with and serves to implement adopted plans and policies of the city.

The 2007 Growth Plan sets forth the following criteria that should be used to evaluate any proposed growth plan amendment:

- **Is the proposed change consistent with surrounding land uses, both existing and future?**

The area included in the proposed growth plan amendment is smaller than the overall subject property, as depicted on the "Existing / Proposed" growth plan map above. The area on the southerly part of the subject property has the growth plan designation of "Commercial," which is not proposed to be amended.

The area on the east side of the subject property (east of 44th Avenue North), is proposed to be designated "Industrial." The 2007 Growth Plan states that the industrial land use designation is appropriate for "areas that are impacted by airport noise, railroad tracks, interstate highway noise, or other potential negative impacts that are undesirable for other types of development." The area proposed to be designated "Industrial" is along Interstate 29 and within the airport noise attenuation area.

The proposed industrial land use designation is compatible on the north side, where it is adjacent to an industrial-developed property (Opp Construction) that is in Fargo's ETJ.

The proposed industrial land use designation is compatible on the south side, where it transitions into the existing commercial-designated property.

The area on the west side of the subject property (west of 44th Avenue North), is proposed to be designated "Commercial." This area was originally proposed to also be designated as "Industrial," but over the course of the previous project and submittal of the new project, all the developable lots on the west side of the subdivision are proposed to be designated "Commercial" as a step down in intensity between the "Industrial" on the east and the existing rural residential development—Reile's Acres ETJ-- to the west of the subdivision, across 45th Street North. Lots 2 and 8, which are not developable, will be zoned P/I, Public/Institutional.

Due to the distance of the 45th Street right of way (33 feet); Cass County Drain No. 40 right of way (140.5 feet); Lot 8, which is the required drain protection lot (92.25 feet); and the proposed berm and landscape buffer (25 feet); the land uses between I-29 and Reile's Acres ETJ follow a progressive step-down in intensity of development:

- Industrial uses on the east side of the subdivision adjacent to I-29, which step down to
- Commercial uses on the west side of the subdivision, which step down to
- A 290.75-foot wide undevelopable area as noted above, which steps down to
- The east lot lines of residential development in Reile's Acres ETJ

Adding to the 290.75 foot undevelopable area the lot depth of the GC-zoned lots on the west side (over 600 feet) and the 80 feet of right of way for 44th Street North, there is an over 970 foot separation from the east property line of the Reile's Acres ETJ residential development to the west property line of the LI-zoned lots. **(Criteria Satisfied)**

- **Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future?**

There are no existing streets within the subject property. The growth plan does not indicate any intended street alignments within the subject property. The proposed subdivision will dedicate a public street (44th Street) from which all lots in the subdivision will take access. This will be a local street and will provide an additional connection between 40th Avenue North to 45th Street North, which already intersect at the southwest corner of the subject property. It is not intended that new land uses develop as a result of this new street. This street is intended to only serve this development, and there is no opportunity for east-west cross streets to connect to it. **(Criteria Satisfied)**

- **How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?**

The area east of I-29 and north of 40th Avenue North has been developed as industrial, mainly with large warehouses and distribution centers, although all the uses in the LI, Limited Industrial zone are permitted in this area. There are no conditional overlays on these properties (Dakota Commerce Center, Dakota Commerce Center North, and North Fargo Industrial Addition). The proposed growth plan change would

allow industrial development on the west side of I-29. This development would include the uses permitted in the LI zone, other than those prohibited by the proposed conditional overlay.

Additionally, some of the assumptions in the 2007 Growth Plan, on which the current land use designations were based, did not come to pass as expected. In fact, the area south of the subject property along 45th Street North, which is now platted as the industrial-zoned Laverne's Addition and Laverne's Second Addition, was originally designated on the 2007 Growth Plan for residential and commercial development. This land use designation was changed in 2015 to industrial. The pressure for residential development north of 19th Avenue North anticipated by the 2007 Growth Plan did not materialize. The property was platted into the current industrial subdivisions in 2018 and 2022.

The property between Laverne's Second Addition and 40th Avenue North is owned by North Dakota State University. It seems likely that NDSU will retain ownership of this land for their own purposes for some time to come. The subject property would then be the end of the re-orientation of the east side of 45th Street from the original residential land use designation to industrial and commercial land use designations.

Thus, alternative land uses for this area can be considered, and changes to land use designations be proposed through the growth plan amendment process specified in the LDC.

(Criteria Satisfied)

- **How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?**

The proposed change provides property for industrial and commercial development that has convenient access to the interstate, an east/west arterial road (40th Avenue North), and City utilities (extended through 44th Street North). Though several areas of the city are already zoned for commercial or industrial uses, it is important to have a variety of commercial and industrial zoned locations as the needs of the different kinds of businesses that can develop in these zones are different. In this location, the focus is on commercial and industrial businesses than have a priority for easy access to an interstate highway and need fairly large lots.

There is no opportunity for pedestrian access on the east or west due to the Cass County Drain 40 and I-29 right of way. Future development or redevelopment of 40th Avenue may include a multi-use path.

(Criteria Satisfied)

Zone Change

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG: Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay. The applicant proposes zoning of LI, Limited Industrial and GC, General Commercial, both with conditional overlays, and P/I, Public/Institutional. The 2007 Land Use Plan applies to the subject property, as noted above. The GC zoning is consistent with the existing "Commercial" land use designation. The LI zoning will be consistent with the amended growth plan designation of "Industrial." The P/I zoning for government-owned property can be applied under any land-use designation. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The plat will dedicate public right of way (44th Street North) through which access and public utilities will be provided. **(Criteria satisfied)**

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

Value of a property for tax purposes is determined by the City or County assessor and is not directly based on adjacent zoning.

The LDC Section 20-0704 provides for residential protection standards (RPS) to mitigate the effects of non-residential development on existing residential development. The application of RPS is based on distance from the non-residential development to the residential zoning. The RPS would not apply in this situation as the residential development is already separated from the non-residential development by a greater distance than would trigger application of the RPS. Thus, a conditional overlay is proposed with this project to mitigate the effects. One element of this C-O is a berm with trees along the west side the GC-zoned lots. As noted in the growth plan findings above, this berm is part of a 290.75 foot separation between the east property line of the Reile's Acres ETJ residential and the development on the GC-zoned lots on the west side of the subdivision, which is intended to mitigate the effects of the new development in relation to those residences. The width of this buffer and the height of the berm/ tree portion of the buffer is well beyond the requirements of RPS.

Re-sale value of a property is determined by local real estate market conditions at the time of sale. These conditions are not predictable in the long term. Staff has no documentation to demonstrate that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received the comment letters noted above. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity.

(Criteria satisfied)

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Growth Plan. With the approval of the growth plan amendment noted above, the proposed zoning of Limited Industrial, General Commercial (both with conditional overlays) and Public Institutional will be consistent with these land use designations.

(Criteria satisfied)

Major Subdivision

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

- **Section 20-0907.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**

The requested zoning for this subdivision is LI, Limited Industrial with conditional overlay; GC, General Commercial with conditional overlay; and P/I, Public Institutional, which will be consistent with the amended 2007 Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received the comments noted above. **(Criteria Satisfied)**

- **Section 20-0907.C.4.c of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The property is proposed to be zoned LI, Limited Industrial with conditional overlay; GC, General Commercial with conditional overlay; and P/I, Public Institutional. As noted in the zone change findings above, this zone is consistent with the amended 2007 Growth Plan designations for this property. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

An amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision has been reviewed by the Public Works Project Evaluation Committee (PWPEC) and signed by the applicants. Any improvements associated with the project (both existing and proposed) are subject to

special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move to approve of the proposed 1) Growth Plan Amendment from "Residential Area, Lower to Medium Density"; "Commercial"; and "Proposed Park" to "Industrial" and "Commercial"; 2) Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional; 3) major subdivision, to be known as **Interstate Business District Addition**, and 4) Proximity Agreement, as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4), 20-0905(H), and 20-0907.C of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: February 6th, 2024

At the February 6th, 2024 Planning Commission hearing, that Commission, by a vote of 7-0 with two Commissioners absent and two Commission seats vacant, moved to accept the findings and recommendations of staff and recommended to the City Commission approval of the proposed 1) Growth Plan Amendment from "Residential Area, Lower to Medium Density"; "Commercial"; and "Proposed Park" to "Industrial" and "Commercial"; 2) Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional; and 3) major subdivision, to be known as **Interstate Business District Addition**, as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4), 20-0905(H), and 20-0907.C of the LDC, and all other applicable requirements of the LDC. *(NOTE: The proximity agreement is not included in the Planning Commission's motion as the Planning Commission does not review or take action on that agreement).*

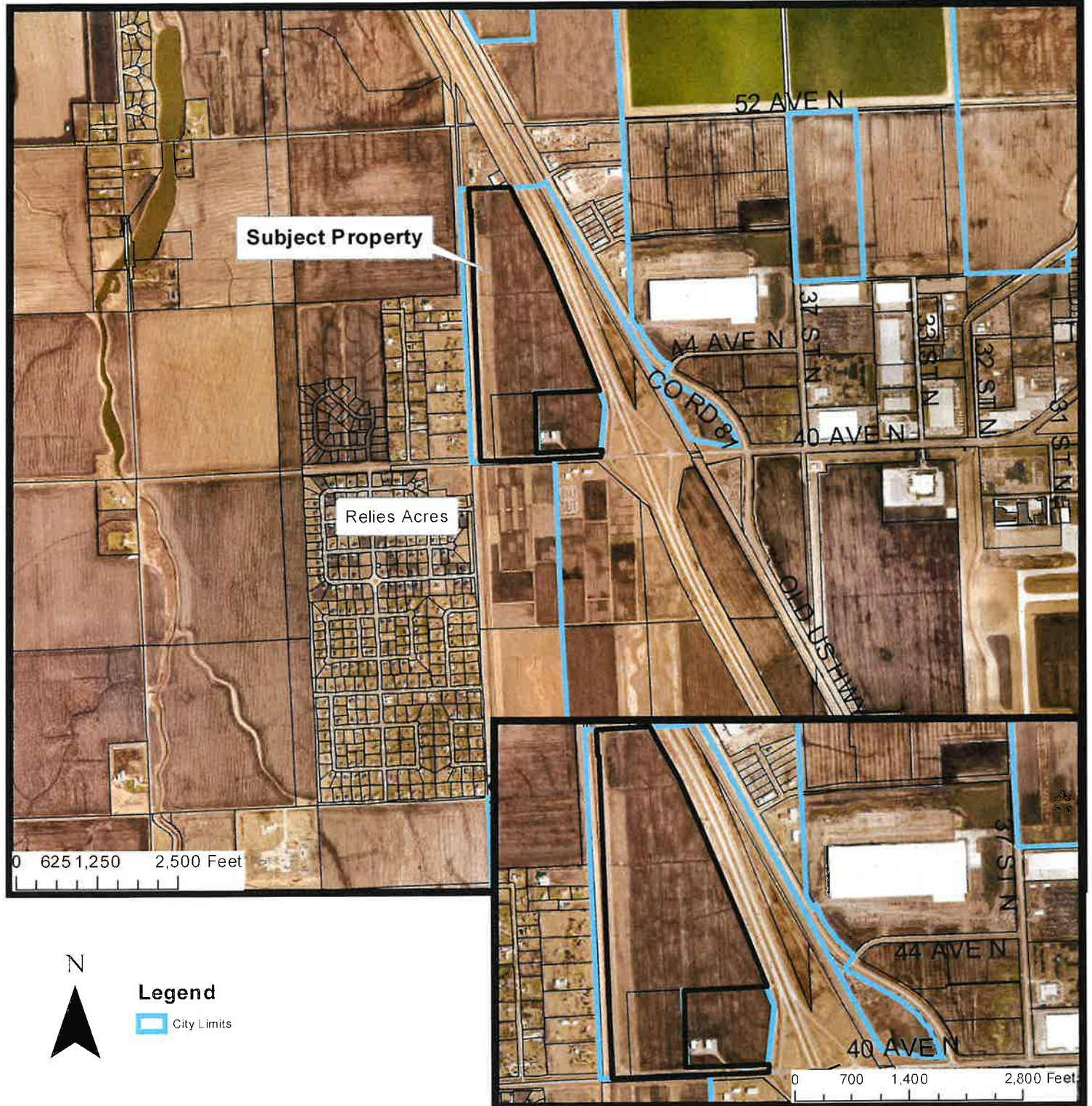
Attachments:

1. Location map
2. Zoning map
3. Growth plan amendment map
4. Preliminary plat
5. Proposed zoning map
6. Draft conditional overlay
7. Proximity agreement
8. Public comment letters

Major Subdivision, Zone Change from AG, Agricultural and LI, Limited Industrial with a Conditional Overlay to LI, Limited Industrial with a Conditional Overlay and GC, General Commercial with a Conditional Overlay and P/I, Public/Institutional; Growth Plan Amendment from Commercial, Residential Area—Lower to Medium Density and Proposed Park to Industrial and Commercial

Interstate Business District Addition

4269 40th Avenue North
4753 45th Street North

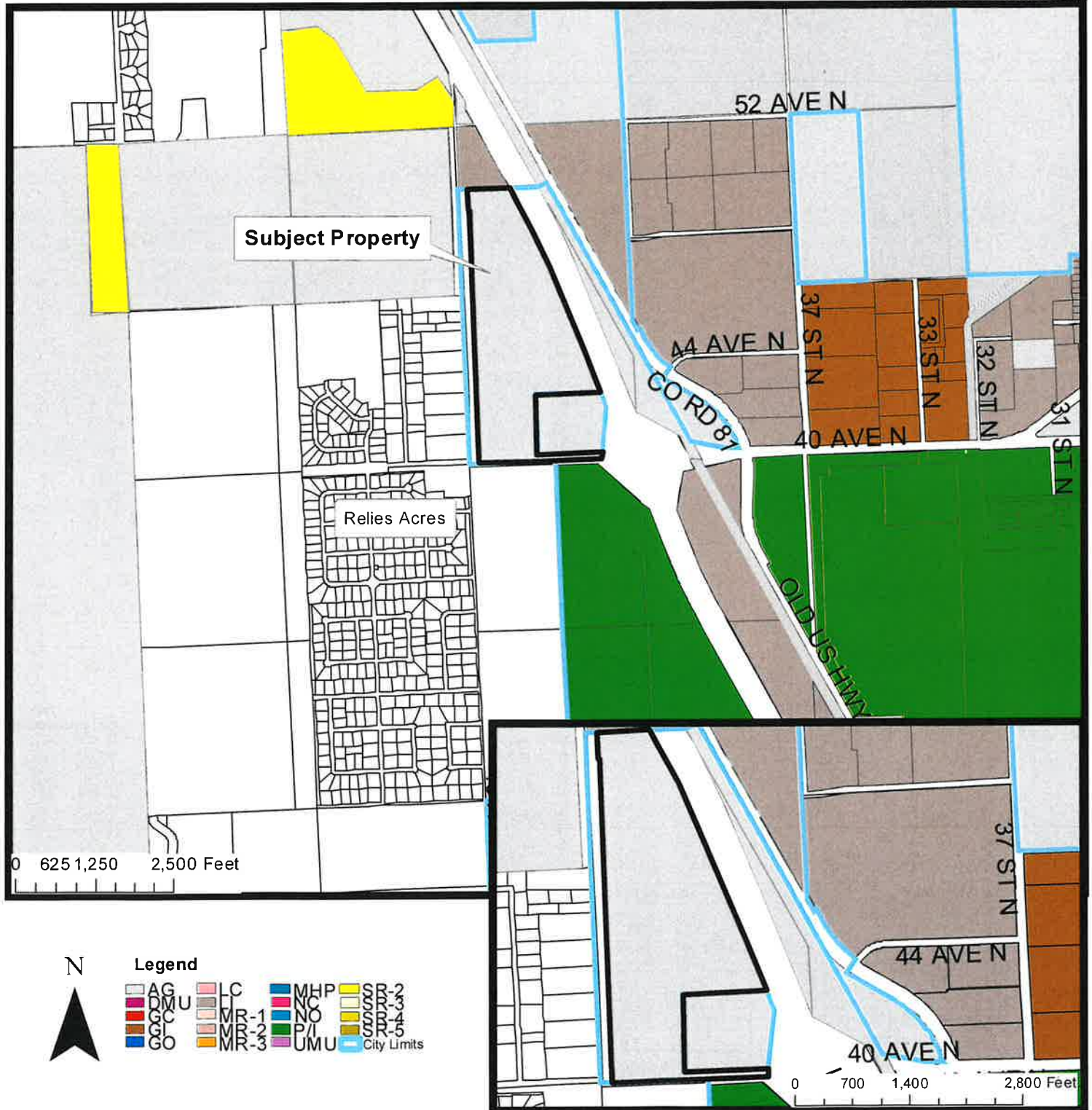


Major Subdivision, Zone Change from AG, Agricultural and LI, Limited Industrial with a Conditional Overlay to LI, Limited Industrial with a Conditional Overlay and GC, General Commercial with a Conditional Overlay and P/I, Public/Institutional; Growth Plan Amendment from Commercial, Residential Area—Lower to Medium Density and Proposed Park to Industrial and Commercial

Interstate Business District Addition

4269 40th Avenue North

4753 45th Street North



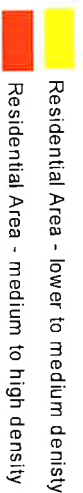
Growth Plan Amendment ("Commercial, Residential—Low to Medium Density, and Proposed Park" to "Industrial and Commercial")

4269 40th Avenue North
4753 45th Street North

Interstate Business District Addition



2001 Growth Plan

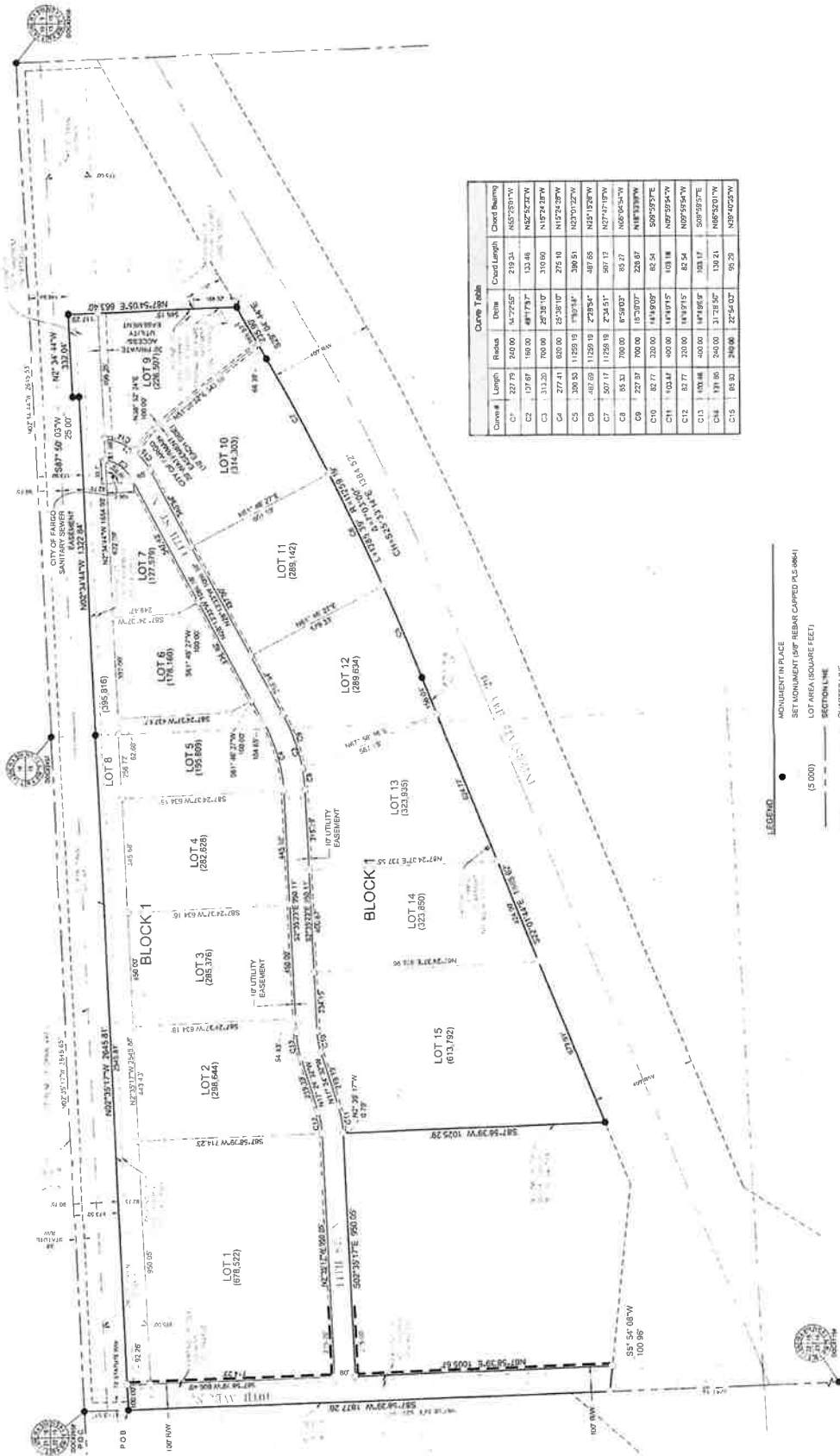


Fargo Planning Commission

February 6, 2024



INTERSTATE BUSINESS DISTRICT ADDITION



Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	227.75	240.00	54.7255°	219.34	N55°23'01\"W
C2	127.67	160.00	48°17'37\"	133.46	N52°52'27\"W
C3	313.26	700.00	26°31'07\"	310.60	N19°24'33\"W
C4	277.41	600.00	25°35'07\"	275.10	N15°25'39\"W
C5	300.50	1125.19	1°31'14\"	309.51	N23°01'22\"W
C6	481.69	1125.19	2°39'54\"	487.65	N37°12'28\"W
C7	507.17	1125.19	2°34'51\"	507.13	N27°17'19\"W
C8	85.33	700.00	6°58'03\"	83.27	N58°05'34\"W
C9	227.92	700.00	16°30'07\"	228.67	N18°13'39\"W
C10	82.71	300.00	44°49'00\"	83.54	S09°29'37\"E
C11	103.14	400.00	44°49'15\"	103.18	N07°59'42\"W
C12	52.77	200.00	44°49'15\"	52.54	N07°59'42\"W
C13	103.14	400.00	44°49'15\"	103.17	S09°29'37\"E
C14	171.95	240.00	31°28'50\"	139.21	N68°02'01\"W
C15	85.32	240.00	25°54'02\"	95.29	N09°02'25\"W

Mead
Hunt

Phone: 701-586-8450
meadhunt.com

PROJECT NO.
4685132-212541-01

SHEET 1 OF 2

0 200 400
Feet

BASED ON 2011 NAD83
GROUND COORDINATE SYSTEM DEC 1992

- LEGEND
- MONUMENT IN PLACE
 - SET MONUMENT (BMP) REBAR CAPTED (PL 0864)
 - LOT AREA (SQUARE FEET)
 - SECTION LINE
 - QUARTER LINE
 - EXISTING PROPERTY LINE
 - EXISTING RIGHT OF WAY
 - EXISTING EASEMENT LINE
 - NEW LOT LINE
 - NEW BLOCK LINE
 - PLAT BOUNDARY
 - NEW EASEMENT LINE
 - NEGATIVE ACCESS EASEMENT

- NOTES
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET
 - NEGATIVE ACCESS EASEMENT: AS NOTED ON THE PLAT OF INTERSTATE BUSINESS DISTRICT ADDITION, IS AN EASEMENT DEDICATED TO THE PUBLIC FOR THE PURPOSE OF PROVIDING ACCESS TO THE ADJACENT LOT FROM THE ADJACENT LOT. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COINCIDENT WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

INTERSTATE BUSINESS DISTRICT ADDITION

KNOW ALL PERSONS BY THESE PRESENTS, That AED PROPERTIES, LLC AND STORAGE KINGS NO LLC, a North Carolina Limited liability company AND SOUTHEAST CASH WATER RESOURCE DISTRICT, as owners of a parcel of land located in that part of the West Half of Section 15, Township 140 North, Range 49 West of the Fifth Principal Meridian and located in that part of the Southwest Quarter thereof, and part of Auditor's Lots 1 & 2 of the Northwest Quarter thereof, in Cass County, North Dakota being described as follows:

[illegible]

Said owners of the above described property, have caused the same to be surveyed and platted as "INTERSTATE BUSINESS DISTRICT ADDITION" to the City of Fargo, and do hereby dedicate to the public, for public use, all streets, avenues and easements on this plat, except those easements otherwise noted or shown hereon as "Easling," and do hereby dedicate to the City of Fargo the watermain and sanitary sewer easements as shown hereon

WARD PROPERTIES, LLC

Test Dude. President

On this 6 day of February 2021, appeared before me, Victoria A. Condon,
ARD PROPERTIES, LLC, known to me to be the person whose name is subscribed to
the above certificate and did acknowledge to me that they executed the same as their own free act
and deed.

OWNER: Lot 1, Block 1

111

County of Santa Clara

On this 21 day of January, 2024, appeared before me, Ronald M. Knudson, President, STORAGE KINGS NO LLC, a North Dakota limited liability company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Jason Ness, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the avoidance of future surveys have been located or placed in the ground as shown

13

Registration No. 1 S-6884

PROVED IN 1910

On this 17th day of January, 2021, appeared before me, Jason Ness, PLS, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

11. 12. 2019 15. 12. 2019 19. 12. 2019

Approved by the City of Fargo Planning Commission this (6) day of February, 2024

Rocky Mountain, Utah
Farm Planning Commission

91

On this 6th day of February, 2024, before me, a notary public in and for said county, personally appeared Rocky Schneider, Chair, Fargo Planning Commission, known to me to be the person described in and who executed the same as a free act and deed.

State of North Dakota

SOUTHEAST CASS WATER RESOURCE DISTRICT

Abstract

2000

known to me to be the persons whose names are subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Approved by the Board of Commissioners and ordered filed this _____ day of _____ 20____

Allest:

State of North Dakota) ss

On this _____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons described in and who executed the same as a free act and deed.

100

Approved by the City Engineer this day of 20 20

City Engineer

[illegible]

On this _____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Tom Khakmuts, P E, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

1000

Mead
!lunt

Phone: 701-566-6450

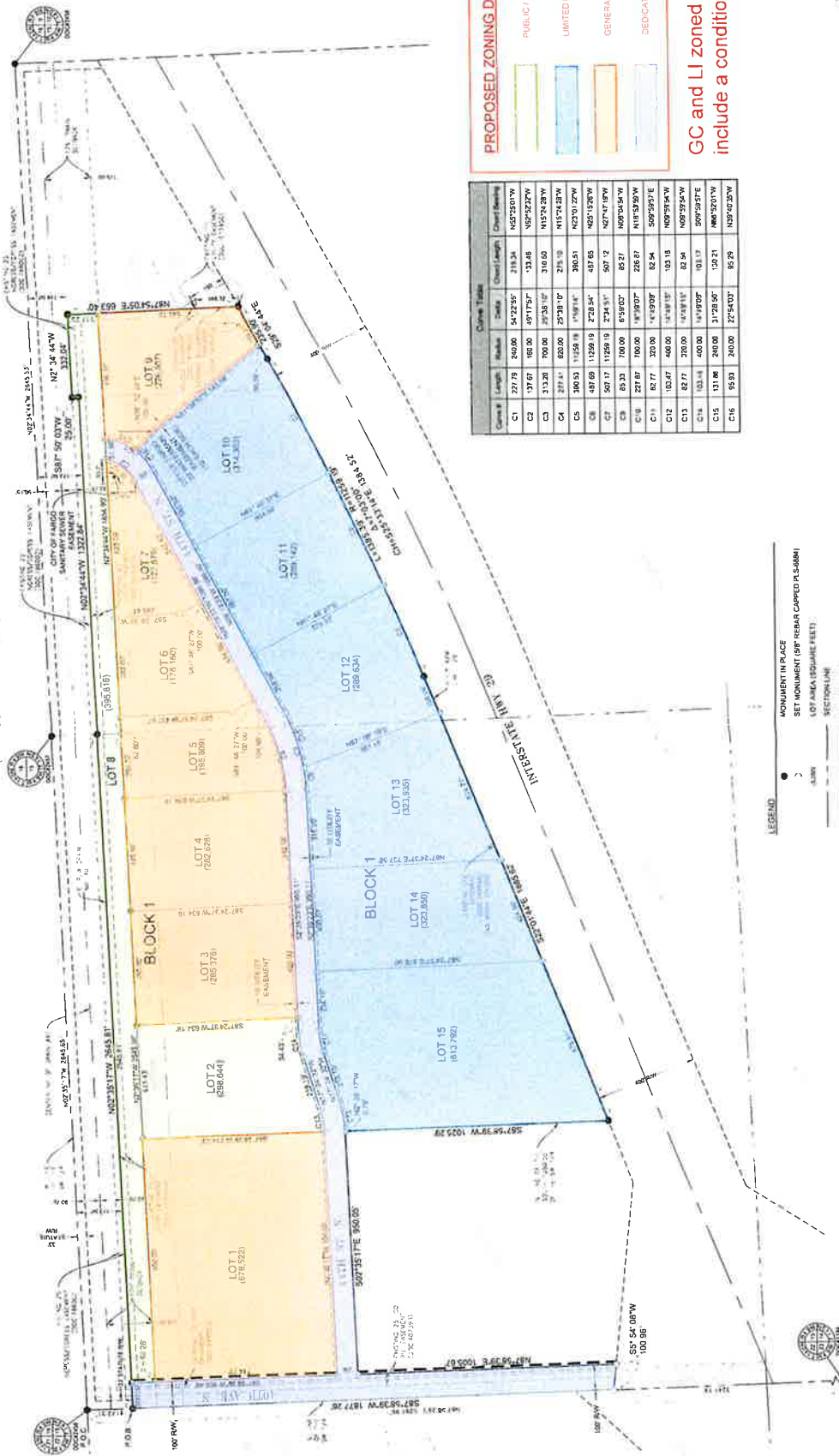
PROJECT NO.

PROJECT NO.
4656132-212541 01

SHEET 2 OF 2

INTERSTATE BUSINESS DISTRICT ADDITION

TO THE CITY OF FARCO, A PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 24 NORTH, RANGE 49 WEST OF THE PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



Curve #	Length	Radius	Chord Length	Chord Bearing
C1	297.75	240.00	547.295'	N55°25'01"W
C2	179.67	165.00	451.737'	N59°22'27"W
C3	313.28	700.00	273.551'	N15°24'28"W
C4	297.41	600.00	273.551'	N23°01'22"W
C5	300.53	1125.00	716.814'	N05°12'26"W
C6	481.65	1125.00	716.814'	N07°14'18"W
C7	507.17	1125.00	716.814'	N09°04'54"W
C8	83.33	700.00	61.9007'	N18°13'58"W
C9	277.82	700.00	61.9007'	S09°59'17"E
C10	82.77	320.00	41.9209'	N09°59'54"W
C11	103.47	400.00	41.9209'	N09°59'54"W
C12	82.77	320.00	41.9209'	N09°59'54"W
C13	103.47	400.00	41.9209'	N09°59'54"W
C14	103.47	400.00	41.9209'	N09°59'54"W
C15	131.86	240.00	311.2856'	N09°59'54"W
C16	55.53	240.00	275.5403'	N35°42'35"W

PROPOSED ZONING DESIGNATIONS

- PUBLIC / INSTITUTIONAL (PI)
- LIMITED INDUSTRIAL (LI)
- GENERAL COMMERCIAL (GC)
- DEDICATED ROW

GC and LI zoned lots include a conditional overlay

LEGEND

- MONUMENT IN PLACE
- SET MONUMENT (SMP) REAR CAPRIED (R. 5.68M)
- SECTION LINE
- QUARTER LINE
- EXISTING PROPERTY LINE
- EXISTING RIGHT OF WAY
- EXISTING EASEMENT LINE
- NEW LOT LINE
- NEW BLOCK LINE
- PLAY BOUNDARY
- NEW EASEMENT LINE
- NEGATIVE ACCESS EASEMENT

NOTES

- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET
- NEGATIVE ACCESS EASEMENT AS NOTED ON THE PLAT OF INTERSTATE BUSINESS DISTRICT ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT OF WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE CONTIGUOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

Mead & Hunt

Phone: 701-566-6450
mead@meadhunt.com
PROJECT NO.
4888132-21254.1.01
SHEET 1 OF 2

PRELIMINARY

DRAFT CONDITIONAL OVERLAY INTERSTATE BUSINESS DISTRICT 11 March 24

FOR LOT 1, BLOCK 1, ZONED GC WITH CONDITIONAL OVERLAY:

1. Prohibited Uses:

- Detention Facility
- Adult Establishment
- Off-Premise Advertising Signs
- Aviation/Surface Transportation
- Portable signs
- Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product)

2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

3. Off-street parking, loading, vehicular circulation areas, and outdoor storage shall have an all-weather surface. No gravel, crushed concrete, or similar material is permitted.

4. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

FOR LOTS 3, 4, 5, 6, 7, and 9, BLOCK 1, ZONED GC WITH CONDITIONAL OVERLAY:

1. Prohibited Uses:

- Detention Facility
- Adult Establishment
- Off-Premise Advertising Signs
- Aviation/Surface Transportation
- Portable signs
- Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product)

2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

4. The developer shall install 3 foot high berm 25 feet wide at the bottom and 4 feet wide at the top along the west side of Lots 3-7.

5. The developer shall install trees on the west side of the berm. The trees will be a mixture of deciduous and evergreen trees placed one tree every 50 linear feet of buffer. Deciduous trees shall have a minimum caliper of 2 inches. Evergreen trees shall have a minimum height of 5 feet.

6. The developer shall install the berm and the required trees installed as one project, prior to building permit issuance on the first project on these lots.

FOR LOTS 10 THROUGH 15, BLOCK 1, ZONED LI WITH CONDITIONAL OVERLAY:

1. Prohibited Uses:

- Detention Facility
- Adult Establishment
- Aviation/Surface Transportation
- Portable signs
- Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product)

2. Exterior lighting must meet the standards of Residential Protection Standards 20-0704.G.

3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the

DRAFT CONDITIONAL OVERLAY INTERSTATE BUSINESS DISTRICT 11 March 24

Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

4. Maximum height of any off-premise sign is limited to 35 feet.

5. Total number of off-premise signs is limited to four, including the existing billboard on proposed Lot 10, Block 1. No more than three of these off-premise signs can be digital, including the existing billboard on proposed Lot 10, Block 1.

Lots 2 and 8, Block 1, Zoned P/I, Public/Institutional, are not developable and do not have a conditional overlay.

AGREEMENT

(Proximity of Airport, Noise Attenuation and Sewage Lagoons)

THIS AGREEMENT, Made and entered into this ____ day of _____, 2024, by and between ARD Properties, LLC (owner of Lots 3 through 7 and 9 through 15, Block 1); Storage Kings ND, LLC (owner of Lot 1, Block 1); and the Southeast Cass Water Resource District (owner of Lot 8, Block 1), hereinafter referred to as "Owners," and CITY OF FARGO, A NORTH DAKOTA MUNICIPAL CORPORATION, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the Owners are the record owners of tracts of land located in Cass County, North Dakota, said tracts being more particularly described hereinafter; and,

WHEREAS, said tracts are located within the City of Fargo; and

WHEREAS, Owners have made a development request of the City for a change in zoning from Agricultural (AG) to Limited Industrial (LI), General Commercial (GC), and Public/Institutional (P/I) zoning; and,

WHEREAS, the Board of City Commissioners of the City have approved and enacted a zoning ordinance to effect such change upon the condition that the Owners and Owners' successors in interest be bound to a covenant acknowledging the proximity of Hector International Airport and the City's sewage lagoons to Owners' property; and,

WHEREAS, Owners are willing to execute and to have recorded an agreement wherein Owners recognize the proximity of said facilities in regard to all of the property owned or to be owned by Owners hereinafter described and including all other terms mentioned above; and,

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, IT IS HEREBY AGREED as follows:

1. The subject of this Agreement, and the covenant herein, is the Owners' property, situate in the County of Cass and State of North Dakota, more fully described as:

Lots 1-15, Block 1, Interstate Business District Addition to the city of Fargo.

[hereinafter referred to as the "Subject Property"]

2. As a condition of City's approval of said platting and zoning, Owners do hereby covenant and agree with the City that said Owners will never institute any suit or action at law or otherwise against the City, nor institute, prosecute or in any way aid in the institution or prosecution of any claim, demand, action or cause of action for damages, costs, loss of service, expenses or compensation against the City for or on account of any damage, loss or injury either to person or property, or both, resulting or which may result by reason of the use of the Subject Property in relation to the location and use of Hector International Airport and specifically for damages caused or allegedly caused by the noise of the take-off or landing of jet-propelled or other aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; also from any vibration generated by said aircraft or from any pollutants or contaminants created from such aircraft usage, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities. All parties agree that this provision and all of the terms and conditions of this Agreement shall be deemed to be covenants running with the land and shall be binding upon, inure to the benefit of, and be enforceable against all parties, and their respective successors, assigns, tenants, lessees, invitees, agents, heirs, executors, administrators, and personal representatives. The parties agree that this provision and

Agreement shall be binding upon all future owners, lessees, tenants, and users of the Subject Property.

3. ARD Properties, LLC and North Fargo Land, LLC agree that they will at all times indemnify City, and hold and save the City harmless from and against any and all actions or causes of actions, claims, demands, liability, loss, damage, or expense of whatsoever kind and nature, including counsel or attorney's fees, which the City shall or may at any time sustain or incur by reason or in consequence of the use of the Subject Property for any lawful purposes and specifically for any damages caused or allegedly caused to the Subject Property by the noise of the take-off or landing of jet-propelled or other aircraft from the present runway or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport, or which the City may sustain or incur in connection with any litigation, investigation or other expenditures incident to such use of the Subject Property, including any suit instituted to enforce the obligations of this agreement of indemnity, and Owners agree to pay to City all sums of money, with interest, which the City shall or may pay or cause to be paid, or become liable to pay, on account of or in connection with such use of the Subject Property, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities.

4. Paragraphs two (2) and three (3) above shall also apply in all regards to the sewage lagoons owned by the City of Fargo and specifically concerning any odors emanating from said lagoons.

5. Owners agree that this agreement shall be recorded on the above-described property and specifically agrees that the following covenants shall apply to the above-described property:

FAIR DISCLOSURE STATEMENT

Sewage Lagoons – The tract of land hereby conveyed and legally described lies within the vicinity of certain sewage lagoons owned and maintained by the City of Fargo and may be impacted by odors emanating from said lagoons. The level of usage of said lagoons may vary, from time to time, so that at times the lagoons are “dry” and at other times the lagoons may contain sewage for treatment purposes and that, as a result, there may be no appreciable odor emanating from the lagoons and at other times there may be an appreciable odor emanating from the lagoons.

Airport -- The tract of land hereby conveyed and legally described lies within the vicinity of Hector International Airport and may be impacted by noise associated with the operations of said airport including noise from the take-off or landing of jet propelled or other

aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; or from any vibration generated or from any pollutants or contaminants created from such aircraft usage. The airport normally operates seven days per week throughout the entire year and is open for flight operation at all hours. The present level of operations will continue and expand for the foreseeable future.

The noise rating of this tract, due to airport operations at the above-named airport according to the Noise Evaluation and Land Use Compatibility Study (1990-91) is above 65 in the DNL rating system.

The United States Department of Housing and Urban Development (HUD), Circular 1390.2 of 4 August 1971, Subject: Noise Abatement and Control: Departmental Policy, Implementation Responsibilities, and Standards, as well as any subsequent or replacement provisions established the following external noise exposure standards for the new construction of residential and other noise sensitive utilization:

Airport Environs

Land Zone	Site Suitability Classification
Above 75	Clearly unacceptable
65-75	Discretionary: Normally unacceptable
Below 65	Clearly acceptable

These site suitability classifications are further defined by HUD as:

1. Clearly unacceptable: The noise exposure at the site is so severe that construction costs to make the indoor environment acceptable for the performance of activities would be prohibitive. (Residential areas: the outdoor environment would be intolerable for normal residential use.)

2. Normally unacceptable: The noise exposure is significantly more severe so that unusual and costly building constructions are necessary to ensure adequate performance of activities. (Residential areas: barriers must be erected between the site and prominent noise sources to make the outdoor environment tolerable.)

3. Clearly acceptable: The noise exposure is such that the activities associated with the land use may be carried out with essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)

Certification

The undersigned purchaser of said tract of land, certifies that (s)he (they) has (have) read the above statement and acknowledge(s) the preexistence of the airport named above and the right of said airport to continue to operate and also recognizes the City of Fargo sewage lagoon existence.

Owner

In the event Owners do not include the foregoing statement in the purchase agreement or deed, it shall, nonetheless, constitute a covenant and restriction running with the land and shall bind any future owner to recognition of the herein referenced facts.

6. This Agreement shall be binding upon the heirs, executors, administrators and assigns of the parties hereto and shall constitute a covenant running with the property described hereinbefore.

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

(Signature pages to follow.)

OWNER:
Southeast Cass Water Resource District
((Lot 8, Block 1)

KEITH A. WESTON, Chairman

ATTEST:

MELISSA HINKEMEYER, Secretary

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

On this _____ day of _____, 20__, before me, a notary public within and for said county and state, personally appeared **KEITH A. WESTON, Chairman of the Southeast Cass Water Resource District**, to me known to be the person described in and that executed the foregoing instrument, and acknowledged to me that he executed the same.

Notary Public

(S E A L)

OWNER:
ARD Properties, LLC
(Lots 3 through 7 and 9 through 15, Block 1)

TRENT DUDA, President

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

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared **TRENT DUDA, President**, to me known to be the person described in and that executed the foregoing instrument, and acknowledged to me that he executed the same.

Notary Public

(S E A L)

OWNER:
STORAGE KINGS ND, LLC
(Lot 1, Block 1)

RONALD M. KNUTSON, President

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

On this _____ day of _____, 20__, before me, a notary public within and for said county and state, personally appeared **RONALD M. KNUTSON, President** to me known to be the person described in and that executed the foregoing instrument, and acknowledged to me that he executed the same.

Notary Public

(S E A L)

THE CITY OF FARGO, NORTH DAKOTA,
a municipal corporation

By: _____
TIMOTHY J. MAHONEY, Mayor

ATTEST:

STEVEN SPRAGUE, City Auditor

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

On this ____ day of _____, 20__, before me, a notary public within and for said county and state, personally appeared **TIMOTHY J. MAHONEY** and **STEVEN SPRAGUE**, to me known to be the Mayor and City Auditor, respectively, of THE CITY OF FARGO, NORTH DAKOTA, the municipal corporation described in and that executed the foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

Notary Public

(S E A L)

From: Shane Amundson
Sent: Monday, January 29, 2024 7:11 AM
To: Donald Kress
Subject: Zoning proposal opposition letter.

Good morning Mr. Kress. Would you consider the following email for inclusion into the Planning Board's February 6th meeting packet?

Thank you,
Shane

Dear Fargo Planning and Zoning Commissioners,

I am writing to bring to your attention the sentiments of our community regarding the Interstate Business District..

It's important to acknowledge that governing bodies may not always make optimal decisions. The effectiveness of such bodies lies in their ability to recognize any oversights and rectify them. In 2020, Reile's Acres expressed support for Mr. Duda's endeavors; however, current public feedback indicates a shift in our stance.

A recent community poll with roughly 270 respondents gathered valuable insights on zoning preferences for the area. The results indicate that 54% of participants are opposed to Limited Industrial as a zoning option, while 44% express opposition to High-Density Residential. Respondents were specifically asked about their objections, and the majority voiced concerns about the Limited Industrial aspect.

Moreover, it has come to the community's attention, through a shared forum article dated October 27, 2014, that the developer, Trent Duda, publicly expressed similar concerns regarding limited industrial zoning in proximity to his residential address. At that time, the concerns were raised about his property in Horace, ND, where a developer proposed limited industrial use, specifically for manufacturing grain bins. Mr. Duda, at that time, was aware of what type of business would potentially occupy the land, a luxury neighboring landowners have not been afforded by the Interstate Business District.

It is crucial to convey that the City of Reile's Acres community does not favor the current plan as proposed. The community overwhelmingly supports an alternative plan that embraces an all-General Commercial zoning for the development area.

Reile's Acres residents favor an all-General Commercial plan which aligns more closely with our residential growth plan. This option addresses worries about potential impacts on home values, quality of life, environmental impacts, safety challenges, and the nature of businesses that might occupy the space.

We kindly request your consideration of this community feedback as you deliberate on the proposed development. We believe that a plan centered around General Commercial zoning would better serve the interests and harmony of our community.

Thank you for your time and attention to this matter. We appreciate your dedication to ensuring thoughtful and inclusive urban development.

Shane J. Amundson
Mayor, Reile's Acres, ND

January 30, 2024
Fargo City Planning Commission
225 4th St N
Fargo, ND 58102

Dear Commission Members,

I am writing this letter in strong opposition of zoning changes at 4753 45th Street North and 4269 40th Avenue North.

I am a resident and a physician of the Fargo community. At prior meetings, I had discussed the extremely dangerous health consequences of cement dust exposure, including multiple types of cancer.

I am very uneasy of the options made available by limited industrial zoning. Given that the operational details have been hidden by the proprietor, I cannot comment on the specifics. I can say it opens the doors to many potential poor outcomes. Nearly all manufacturing/production processes generate waste that will cause environmental contamination in the neighboring area. It will be difficult to contain, monitor, or regulate.

This risk cannot be sufficiently attenuated by reduction in concentration. Even very low levels of exposure, given enough time, will result in disease development. Given that many of us live in the area, we are the proverbial rats in a cage. Most individuals don't appreciate the full impact of cancer, how often it actually occurs. I diagnose and monitor cancer every day, and have personally seen several thousand cases. I know the devastation, the fallout, the bleakness. The people of this community do not deserve to live in fear of what could be.

In 2014 Trent Duda officially and publicly stood against limited industrial occurring near his house. He was clearly aware of the danger that it possesses. Trent was protesting, just as we the citizens are now. Yet today, given opportunity for financial gain, he means to inflict the same danger on other citizens.

From a pragmatic standpoint, this proposition is weak. It is minimally changed from its prior failure. Residential neighborhoods are expanding both to the north and west of the land in question. This will be an isolated island of industrial land. This proposition is against the North Fargo growth plan. It is against the analysis for housing need. It will negatively impact large North Fargo businesses such as NDSU and the VA. It will also negatively impact the growth of North Fargo Schools. This proposition is against being a good neighbor to the city of Reiles Acres. This proposition is against the health and prosperity of the people.

General commercial zoning is the logical compromise, which provides the best outcome when considering all parties, including strategic planning for the city. I plead to your morality and strategy, please do not endanger our community. Please make an informed decision.

Kind regards,



Joshua Morrell, MD

Chairman UND Radiology, Board Certified Radiologist, Department of Veterans Affairs

From: Ryan Carlson
Sent: Wednesday, January 31, 2024 8:40 PM
To: Donald Kress
Cc: Paula Peterson
Subject: Property planning for land near Reiles Acres.

Hi Don,

I'm another neighbor next to Paula that has helped organize our neighborhood. While all of the points raised by the neighborhood are 100% valid concerns for me as well, I have one more extra concern. I was recently diagnosed with lung cancer as a 49yr old non-smoker. This means other pollutants entering my lungs have contributed to this current health situation. Any business that would hinder my ability for clean fresh air I would definitely be opposed to.

Please consider the reason why we have moved to this area to be in a quiet rural setting away from the city, with minutes drive into the city, while having clean air to breathe.

Thank you.

Ryan Carlson

January 31, 2024

City of Fargo Planning Commissioners,

I am writing this letter in opposition to the proposed zoning changes in relation to the Interstate Business District Addition application.

I am a resident of Reed Township, which is an ET Area for the City of Reile's Acres. My home and property are west of 45th St N and faces east toward the proposed Interstate Business District Addition.

I have voiced my concerns during the City Planning and City Commission meetings over the past year relating to the original application for Interstate Business District Addition that was denied.

My concerns with the second application are the same as with the first application.

1. The proposed zoning will reduce the value of me and my neighbors' property.
 - We have spoken with realtors and provided a written statement from a realtor. We can expect at least a 25% decrease in the value of our homes with Commercial and Industrial neighbors.
 - The use of conditional overlays to "make this work" indicates a gap in research and should be a quick "criteria not satisfied,". There is a lack of study and research that would give a definitive answer as to what the negative effects are when businesses are next to existing residential. What we hear today is that you need "X amount of feet" to meet the criteria. What is magical about 300 feet that would apply to any and all situations?
 - What I know is that I cannot move my property to avoid taking a significant hit on my property value. What I can do it voice my opposition of Manufacturing and Production.
2. The proposed zoning will increase traffic and reduce safety on 40th Ave N and 45th St N.
 - With increased traffic on 40th Ave N, the lack of turning lanes and controlled intersections poses safety concerns.
 - With increased traffic, including an expected increase in large-sized truck traffic on 45th St N, this is an additional safety concern due to the closeness to residential homes and our driveways. The road today is a gravel road that becomes a minimum maintenance road, described previously as a road to nowhere.
3. There is no vision for the Interstate Business District Addition. And the proposed zoning request does not match the current Growth Plan.
 - The property was purchased as Agriculture, with the expectation of a Growth Plan that included areas of low-medium density Residential, Park and General Commercial.
 - After the initial vision of concrete crushing was proved as can't-do, a vision has not been shared by the applicant.
 - What we know is that the applicant owns Earthworks Services Inc. The address provided for the business shows that it is based in an Industrial Park in West Fargo. The business promotes itself via its website as follows: "Earthwork Services Inc provides commercial and residential excavation services in addition to sand and gravel sales/delivery. Additional services include concrete, hauling, demolition,

clearing and grubbing, site improvements, drainage systems, and snow hauling. We serve the Fargo-Moorhead, Bismarck-Mandan, and surrounding areas.”

- What we know by driving by the land looking to be zoned, is that there is a very large pile of dirt and vehicles that look to no longer be running.
 - We have consistently asked for changes to the buffer. We provided our vision for the buffer, including the what and the when for trees and our reasoning. It was disappointing to see that the application didn’t have changes reflective of our vision.
4. The proposed zoning is putting Industrial in a sliver of land. The proposed zoning “matchups” do not exist in other developed areas.
- The City of Fargo has not shared a need for Industrial.
 - The City of Fargo has shared a large need for residential housing.
 - I have explained it before as this zoning is like putting a round peg in a square hole.
 - There have been many examples shared by the application of zoning matchups. These examples show Industrial areas that were zoned before Residential. This is not the scenario for this application. Residential has been the zoning for the neighboring properties for tens of years.
 - The order of zoning Industrial first, sets the expectation for buyers that their property will be next to Industrial.
 - A Growth Plan that includes futures Industrial, sets the expectation for buyers that their property will likely be next to Industrial in the future.
5. Manufacturing and production, which is allowed under Industrial, does not fit.
- There is a broad range of businesses that fall under Manufacturing and Production. Some would be a fit and other would not be a fit.
 - After zoning is changed, the City of Fargo is not required to have open houses or include the public in decisions to approve permits for businesses.
 - Almost all have Industrial businesses have a negative impact on the quality of the surrounding environment including but not limited to: air, water, ground, light, and sound pollution.
 - A way to mitigate these risks is to add a variety of Conditional Overlays, which the application did not.
 - Another way to mitigate these risks is to not allow it.

To reiterate, I am writing this letter in opposition to the proposed zoning changes in relation to the Interstate Business District Addition application. I feel strongly that Manufacturing and Production are not a fit and I ask that you consider zoning changes that do not include those businesses. I ask that you support rezoning to General Commercial.

I sincerely appreciate your consideration,
Kyla DuBord

From: Paula Peterson
Sent: Thursday, February 1, 2024 6:54 AM
To: Donald Kress
Subject: Re: Planning Commission Packet

Thank you for the information. I will be sending you a letter later today.

One note on the Conditional Overlay:

- Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product)
- it should state finished or unfinished. So that piles of sand, etc cannot be stored

Thank you,

Paula Peterson

February 3, 2024

TO: City Of Fargo – Planning Commission

RE: Objection to Growth Amendment & Zoning Proposal for Interstate Business District Addition

On behalf of the 27 properties of Prairie Estates, a Reiles Acres ETJ, located to the west of 45th Street N, this letter is to outline many of our continued concerns and objections to this proposal.

In a recent community poll by the City of Reiles Acres with 265 respondents, we gathered valuable insights on zoning preferences for the area. The results indicate that 57% of participants are opposed to Limited Industrial as a zoning option, while 42% express opposition to High-Density Residential. Respondents were specifically asked about their objections, and the majority voiced concerns about the Limited Industrial aspect.

During the public open house meeting held on January 18 2024, we brought up many points of concerns and asks, however it seems that no progress has been made. The only change from the application last year that Lot 9 was changed to General Commercial.

Key Points

1. The communities of Reiles Acres and Prairie Estates (EIJ) do not want Limited Industrial Zoning. We stated that we would be more comfortable with General Commercial Zoning across all lots.

Limited Industrial Zoning includes manufacturing and production, however that is a very open list of any type of business. There is no control over this list despite our asking for a more comprehensive review and exclusions.

Both the Planning Commission and City Commission have asked the questions in the past - what is the long term need?

From the July 10 2023 Fargo City Commission Meeting meeting notes:

In response to a question from Commissioner Preston asking if there has been analysis or projections regarding how much industrial land is needed and if there will be industrial around this area, Assistant Planning Director Mark Williams said the 2007 Growth Plan looked at consumption based on history and the current Growth Plan will look into that. He said it may be February or March before that plan is finalized.

Commissioner Preston said she questions whether the amendment is appropriate without looking at the bigger picture. She said an option would be to return it to the Planning Commission to examine what the future looks like there.

There has been no study presented indicating there is a need for industrial. Secondly this land is

surrounded by existing residential areas and a city. The Fargo E11 to the north of Prairie Estates will also be residential – so the impact in the future will be greater.

A plan is merely a guideline. With every unique project you need to adjust to create what is best for all parties impacted.

2. Manufacturing and Production could mean any type of business, we do not want adverse affects of air quality, noise, truck traffic, etc.
3. The conditional overlay states no unfinished products can be stock piled, this should be amended to also include no finished products (sand, manufacturing parts, etc.)
4. The proposed zoning has no benefit for our community and will have a big impact on our home value. We are looking at up to a 25% decrease – and it does not matter if it is an up or down housing market.

This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Supporting Statement from Local Realtor

To whom it may concern,

It has come to my attention that the homeowners on north side of Kielles Acres on 45th St N have recently received notice that the agricultural land to the East of them could be zoned Commercial/Industrial from the original zone of agriculture. Having commercial or industrial buildings across the road from a residential area can negatively impact the home values in the neighborhood. Homeowners in these residential areas usually choose to live there because of the peacefulness, privacy, and tranquility that such areas offer, especially in a rural setting. Putting up commercial or industrial buildings close to residential homes could create noise pollution, increase traffic, and decreased air quality, leading to a general decrease in the quality of life for residents.

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,

*Jeremy Qualley
Realtor in the FIM Area*

5. We have asked at a minimum that an **adequate visual buffer** be installed. This should be a requirement, not a concession. Currently they are proposing a mixture of deciduous and evergreen trees placed one tree every 50 linear feet of buffer. Deciduous trees will only have leaves 6 months of the year, they provide no visual buffer. Secondly all trees should be planted closer together. Buffers have also been asked for along Lot 1 and along north side of Lot 9 but we have received those.
6. The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner (Lot 9), including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

Consider the Best Interest Of Neighboring Communities

Is this the type of zoning you would like to live next to?

In fact according to a forum article from October 27, 2014, Trent Duda himself started a petition in Horace because a manufacturing facility was going to be built across the road from his house. He had the luxury of knowing what type of business was going to be there – where we do not.

There currently are no good examples of where the City of Fargo has put in Industrial zoning directly next to a residential area. It is not just about “acceptable” feet away, it is about an entire impact.

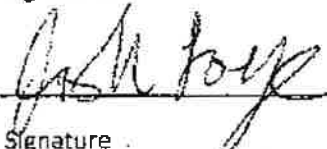
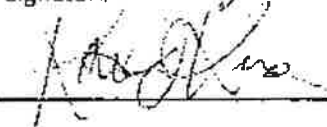
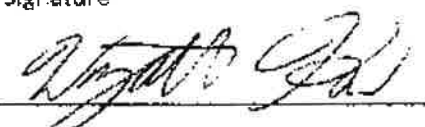

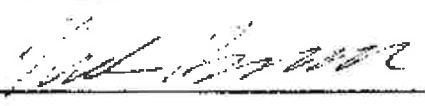
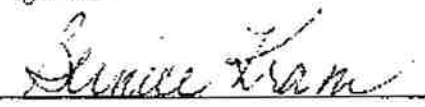
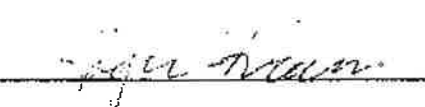
We cannot change the past – but we can change the future. There is no current updated Growth Plan to support this. We ask that you take this option off the table and leave it all as General Commercial. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Regards

Paul & Paula Peterson

And community residents

<u>Mike Lestina</u>	<u>MIKE LESTINA</u>	<u>4406 45th St. N. Fargo</u> 58102
Name	Signature	Address
<u>Gail Prudhomme</u>	<u>GAIL Prudhomme</u>	<u>4302 45th St N Fargo</u> 58102
Name	Signature	Address
<u>James Prudhomme</u>	<u>Jim Prudhomme</u>	<u>4302 45th St N Fargo</u>
Name	Signature	Address
<u>Kyla DuBord</u>	<u>Kyla DuBord</u>	<u>4101 45th St N Fargo</u>
Name	Signature	Address
<u>Dave Leah Heide</u>	<u>DHeide</u>	<u>4006 45th St N Fargo</u>
Name	Signature	Address
<u>GERALD Ramberg</u>	<u>Gerald Ramberg</u>	<u>4206 45th St N Fargo</u>
Name	Signature	Address
<u>Paul & Paula Peterson</u>	<u>Paul Peterson</u>	<u>4314 45th St N Fargo</u> 58102
Name	Signature	Address
_____	_____	_____
Name	Signature	Address

Name	Signature	Address
Josh Loge		4519 47 th St N
Natie Kram		4518 47 th St. N
Wyatt Kram		4518 47 th St. N
Pat Bresnahan		4505 47 th St. N
Nicolette Bresnahan		4505 47 th St. N
Bernice Kram		4502-36 th Ave N.
Roger Kram		4502 - 36 th Avenue N.

Name	Signature	Address
<u>Roger Parrow</u>	<u>[Signature]</u>	<u>4207-47th St N.</u>
<u>Judy Parrow</u>	<u>Judy Parrow</u>	<u>4209 47th St N</u>
<u>Robert Bohmer</u>	<u>[Signature]</u>	<u>4115 47th St N</u> <u>FARGO ND 58101</u>
<u>Breida Bohmer / Brenda Bohmer</u>	<u>[Signature]</u>	<u>4115 47th St N</u> <u>FARGO ND 58101</u>
<u>Brandon & Liz Kote</u>	<u>[Signature]</u>	<u>4414 47th St N Fargo, ND 58102</u>
<u>[Signature]</u>	<u>Donnette Huskisson</u>	<u>4306 47th St N Fargo ND</u> <u>58102</u>
<u>Norman Gustafson</u>	<u>Norman Gustafson</u>	<u>4306 47th St N</u>
<u>Sharon Lorz</u>	<u>Sharon Lorz</u>	<u>4319-47th St. N. Fargo, ND</u> <u>58102</u>
<u>Harold Lorz</u>	<u>Harold Lorz</u>	<u>4319 47th St N Fargo, ND</u> <u>58102</u>
<u>Kay Lorz</u>	<u>Kay Lorz</u>	<u>4519 47th St N Fargo ND 58102</u>

[illegible]

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

450

AN ORDINANCE REZONING CERTAIN PARCELS
OF LAND LYING IN INTERSTATE BUSINESS DISTRICT ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

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

WHEREAS, on February 6, 2024, the Planning Commission recommended approval of the zoning request; and

WHEREAS, the rezoning changes were approved by the City Commission on March 18, 2024,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot One (1), Block One (1) of the Interstate Business District Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "AG", Agricultural, District to "GC", General Commercial, District with a "C-O", Conditional Overlay as follows:

1. The following uses are prohibited:

- a. Detention Facility
- b. Adult Establishments
- c. Off-Premise Advertising Signs
- d. Aviation/Surface Transportation
- e. Portable Signs
- f. Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product)

2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

3. Off-street parking, loading, vehicular circulation areas, and outdoor storage shall have an all-weather surface. No gravel, crushed concrete, or similar material is permitted.

4. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

Section 2. The following described property:

Lots Three (3) through Seven (7), and Nine (9), Block One (1) of the Interstate Business District Addition to the City of Fargo, Cass County, North Dakota;

are hereby rezoned from "AG", Agricultural, District to "GC", General Commercial, District with a "C-O", Conditional Overlay as follows:

1. The following uses are prohibited:

- a. Detention Facility
- b. Adult Establishments
- c. Off-Premise Advertising Signs
- d. Aviation/Surface Transportation
- e. Portable Signs
- f. Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product)

2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

4. The developer shall install a three (3) foot-high berm that must be twenty-five (25) feet wide at the bottom and four (4) feet wide at the top along the west side of Lots Three (3) through Seven (7).

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

5. The developer shall install trees on the west side of the berm. The trees will be a mixture of deciduous and evergreen trees placed one (1) tree every fifty (50) linear feet of buffer. Deciduous trees shall have a minimum caliper of two (2) inches. Evergreen trees shall have a minimum height of five (5) feet.

6. The developer shall install the berm and the required trees installed as one project, prior to building permit issuance on the first project on these lots.

Section 3. The following described property:

Lots Two (2) and Eight (8), Block One (1) of the Interstate Business District
Addition to the City of Fargo, Cass County, North Dakota;

are hereby rezoned from "AG", Agricultural, District to "P/I", Public and Institutional, District.

Section 4. The following described property:

Lots Ten (10) through Fifteen (15), Block One (1) of the Interstate Business District
Addition to the City of Fargo, Cass County, North Dakota;

are hereby rezoned from "AG", Agricultural, District and "LI", Limited Industrial, District with a "C-O", Conditional Overlay, as established by Fargo Municipal Ordinance No. 4020, to "LI", Limited Industrial, District, repealing and re-establishing the "C-O", Conditional Overlay as follows:

1. The following uses are prohibited:

- a. Detention Facility
- b. Adult Establishment
- c. Aviation/Surface Transportation
- d. Portable Signs
- e. Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product)

2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

4. The maximum height of any off-premise sign is limited to thirty-five (35) feet.

5. The total number of off-premise signs is limited to four (4), including the existing billboard on proposed Lot Ten (10), Block One (1). No more than three (3) of these off-premise signs can be digital, including the existing billboard on proposed Lot Ten (10), Block One (1).

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

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

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

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

46

City of Fargo Staff Report			
Title:	Alex's First Addition	Date:	2/28/2024
		Update:	3/14/2024
Location:	5080 38 th Street South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Unplatted portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West		
Owner(s)/Applicant:	KLC Holdings, LLC/Christianson Companies	Engineer:	Bolton & Menk
Entitlements Requested:	Major Subdivision (Plat of an unplatted portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West, City of Fargo, Cass County, North Dakota)		
Status:	City Commission Public Hearing: March 18 th , 2024		

Existing	Proposed
Land Use: Undeveloped	Land Use: Commercial
Zoning: GC, General Commercial, with conditional overlay ordinance No. 4636	Zoning: no change
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult entertainment center , offices, off premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair , limited vehicle service, and some telecommunication facilities. C-O ordinance no. 4636 prohibits the uses struck through above, plus additional conditional uses.	Uses Allowed: No change
Maximum Lot Coverage: 85%	Maximum Lot Coverage: no change

Proposal:

PROJECT HISTORY NOTE: This identical project, at the time known as "CC's First Addition," was recommended for approval by the Planning Commission on November 7th, 2023 and approved by the City Commission on January 8th, 2024. When submitted for recordation, the Cass County Recorder determined that the plat name was too close to the name of an existing Cass County subdivision that was recorded in 2005. The only way to change the plat name is to take the plat back through the Commission process. Only the plat name has changed from the previous version of this plat.

The applicant requests one entitlement:

1. A major subdivision, entitled **Alex's First Addition**, which is a plat of an unplatted portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West, City of Fargo, Cass County, North Dakota

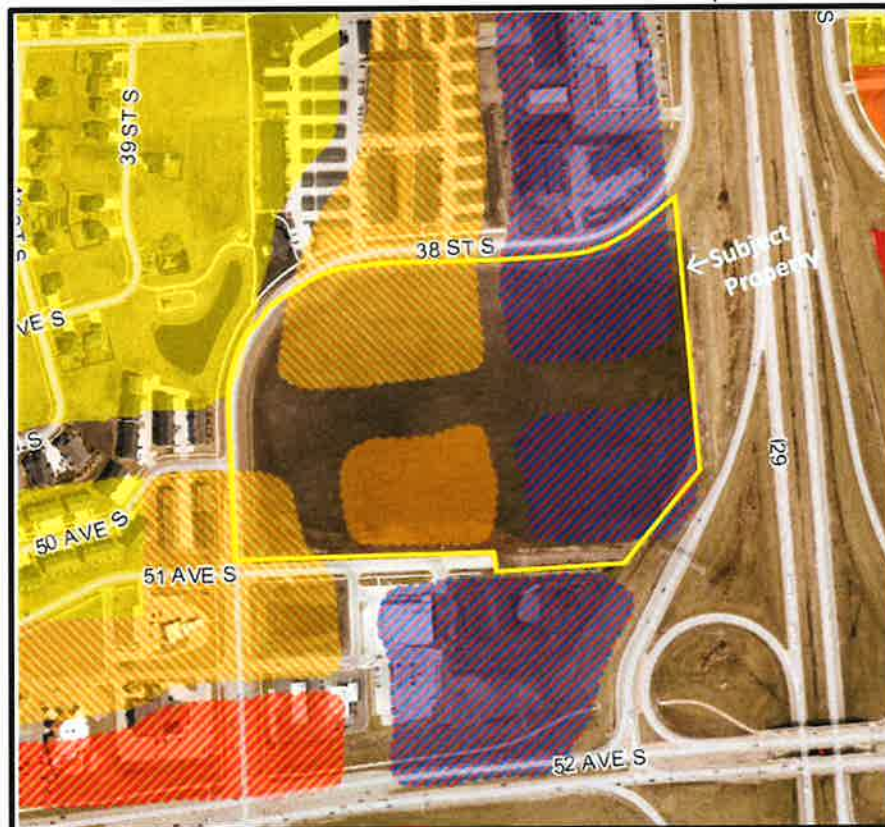
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial with conditional overlay; MR-3, Multi-Dwelling Residential with conditional overlay; and P/I, Public/Institutional with office, multi-dwelling residential, and Cottagewood Park, a Fargo Park District public facility.
- East: Interstate 29 right of way. Not developable.
- South: GC retail and mini-storage uses.
- West: MR-3 and P/I with multi-dwelling residential uses and Cottagewood Park, a Fargo Park District public facility.

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan. This plan designates the subject property as "Low/Medium or Medium/High Density Residential;" and "Either Office or Commercial." The entire property was zoned GC, General Commercial with a conditional overlay in October, 2007. This zoning is consistent with the "Either Office or Commercial" land use designation, while the "Residential" land use designation would allow commercial/residential mixed use development.



2003 Southwest Future Land Use Plan

Commercial	Medium/High Density Residential
Commercial or Medium/High Density	Medium/High Density or Park/Open Space
Commercial or Medium/High or Park/Open Space	Office
Commercial or Park/Open Space	Office or Commercial or Medium/High Density
Either Industrial or Commercial	Park/Open Space
Either Office or Commercial	Public
Either Office or Medium/High Density Residential	Public or Commercial
Industrial	Public or Low/Medium Density
Low/Medium Density Residential	Public or Office
Low/Medium Density or Medium/High Density	Storm Water

Context:

Schools: The subject property is located within the Fargo School District and is served by Kennedy Elementary, Carl Ben Eielson Middle and South High schools.

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

Parks: Cottagewood Park (4896 38th Street South) is located west across 38th Street South from the subject property and offers grill, picnic table, playground for ages 5-12 recreational, trails, and a shelter.

Pedestrian / Bicycle: There is a shared-use path on north side of 38th Street South that connects to the metro trail system by way of the trails in Cottagewood Park.

MATBUS Routes: The area of the subject property is not served by a MATBUS route.

Staff Analysis:

The plat creates three lots, intended for commercial development. All three lots are currently zoned GC, General Commercial, with a conditional overlay ordinance no. 4636. No changes to the zoning or conditional overlay are proposed.

The subdivision plat dedicates right of way for a dedicated public street within the subdivision, to be known as Alexander Way South. A named street was allowed as otherwise this would street would need to be numbered as a half-street. The plat also dedicates right of way for the connection of this street to existing 51st Avenue South.

The plat depicts negative access easements along much of the 38th Street South property frontage, in order to prohibit direct access to the subdivision from the curves of this street.

Subdivision

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

1. **Section 20-0907.C.1 (Development Review Procedures—Subdivisions—Major Subdivisions) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**

The subject property is zoned GC, General Commercial with a C-O, conditional overlay. This zoning will accommodate the proposed commercial development and is consistent with the "Either Office or Commercial" land use designation of the 2003 Growth Plan. That plat also designates a portion of the subject property as "Low/Medium or Medium/High Density Residential," which would allow commercial/residential mixed use development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

2. **Section 20-0907.C.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

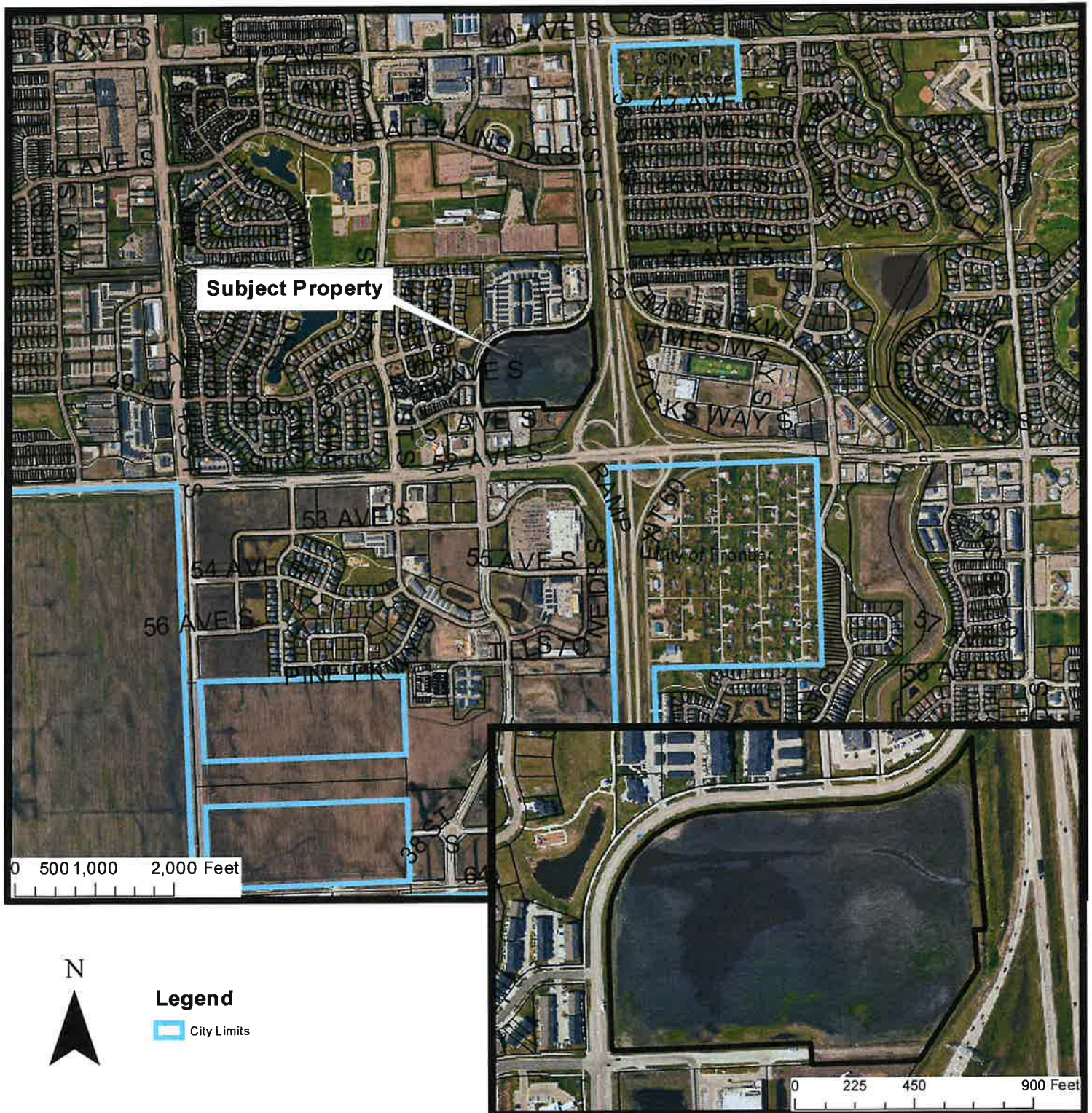
The subject property is currently zoned GC, General Commercial, with a conditional overlay ordinance no. 4636. No changes to the zoning or conditional overlay are proposed. This zoning is consistent with the 2003 Growth Plan which designates this property for "either Office or Commercial" development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

<p>3. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.</p> <p>The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan has been reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to City Commission hearing. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. (Criteria Satisfied)</p>
<p>Staff Recommendation:</p> <p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to approve the proposed Alex's First Addition subdivision plat, as presented; as the proposal complies with the 2003 Growth Plan, Standards of Article 20-06, and Section 20-0907.C of the LDC and all other applicable requirements of the LDC."</p>
<p>Planning Commission Recommendation March 5th, 2024</p> <p>At the March 5th, 2024 Planning Commission hearing, that Commission, by a vote of 7-0 with two Commissioners absent and two Commission seats vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed Alex's First Addition subdivision plat, as presented; as the proposal complies with the 2003 Growth Plan, Standards of Article 20-06, and Section 20-0907.C of the LDC and all other applicable requirements of the LDC."</p>
<p>Attachments:</p> <ol style="list-style-type: none"> 1. Location Map 2. Zoning Map 3. Preliminary Plat

Major Subdivision

Alex's First Addition

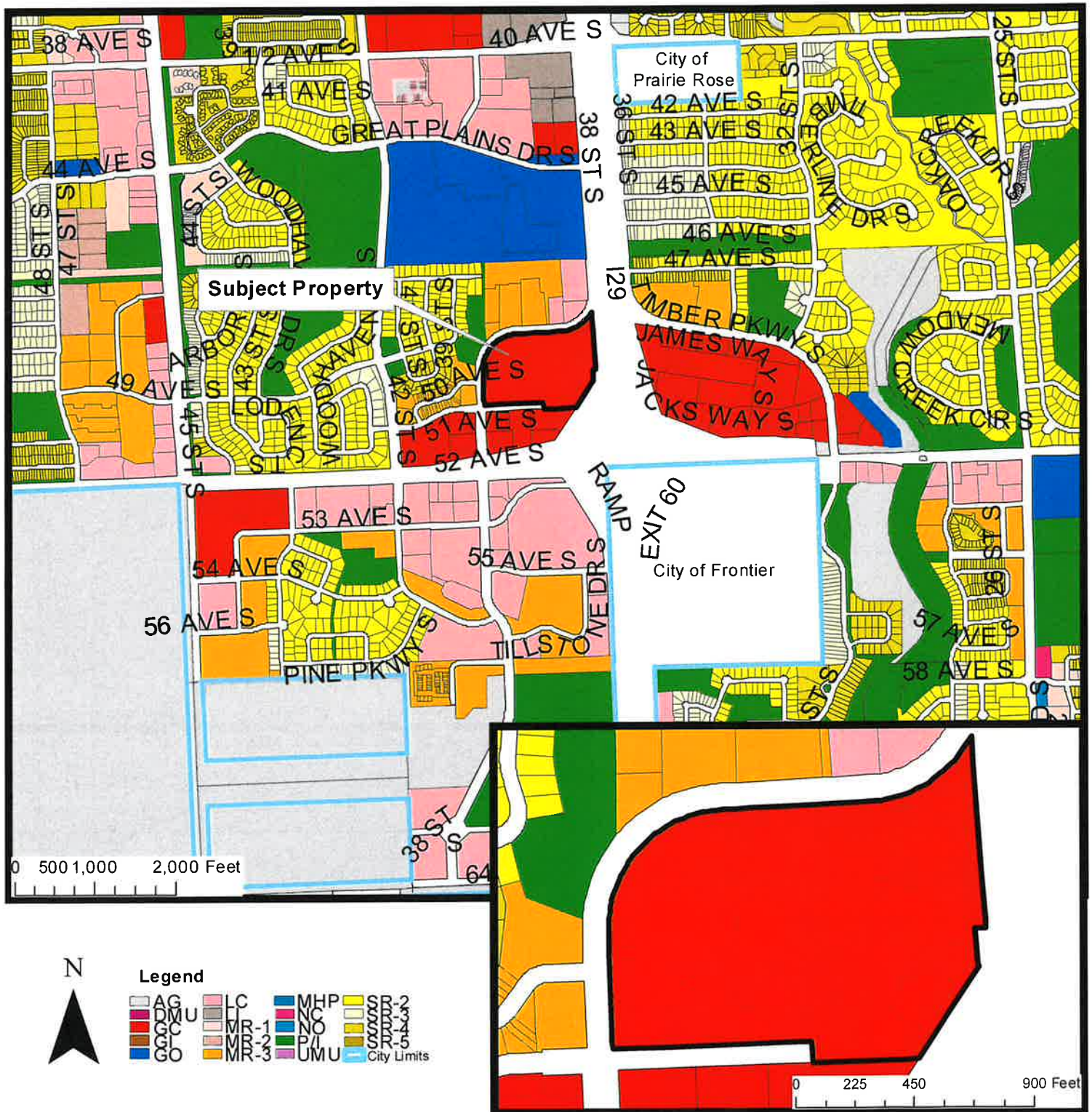
5080 38th Street South



Major Subdivision

Alex's First Addition

5080 38th Street South





(47)

February 28, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

RE: Border States Industries, Inc.

Dear Commissioners:

Attached is the application made by Border States Industries for a payment in lieu of tax (PILOT) according to N.D.C.C. Chapter 40-57.1. The project consists of a new central distribution warehouse, with the location indicated as 3181 43rd St N and the adjoining parcels in the attached legal description. The requested PILOT is for a 10-year, 100% exemption of the improvement value of the project, upon completion.

Notices to competitors have been published. The Economic Development Incentive Committee (EDIC) has met to consider this application. No competitors appeared at the EDIC meeting. This project meets our current policy. The applicant will pay the full land taxes annually of approximately \$56,000.

The recommendation of the EDIC is to approve a 10-year payment in lieu of taxes (PILOT) where the building value will be 100% exempt for the duration.

SUGGESTED MOTION:

Approval of a 10-year, 100% improvement value exemption PILOT for Border States Industries Inc for a distribution warehouse project located at 3181 43rd St N, and adjoining parcels.

Sincerely,

Michael Splonskowski

Mike Splonskowski
City Assessor

Application For Property Tax Incentives For New or Expanding Businesses

N.D.C.C. Chapter 40-57.1

Project Operator's Application To Fargo
City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1.	Name of project operator of new or expanding business <u>Border States Industries, Inc.</u>
2.	Address of project <u>Please see attached legal description.</u>
	City <u>Fargo</u> County <u>Cass</u>
3.	Mailing address of project operator <u>PO Box 2767</u>
	City <u>Fargo</u> State <u>ND</u> Zip <u>58108-2767</u>
4.	Type of ownership of project
	<input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Subchapter S corporation <input type="checkbox"/> Individual proprietorship
	<input type="checkbox"/> Corporation <input type="checkbox"/> Cooperative <input type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No. <u>[REDACTED]</u>
6.	North Dakota Sales and Use Tax Permit No. <u>[REDACTED]</u>
7.	If a corporation, specify the state and date of incorporation <u>North Dakota - 1/6/1961</u>
8.	Name and title of individual to contact <u>James Sipe, Executive VP - Supply Chain</u>
	Mailing address <u>PO Box 2767</u>
	City, State, Zip <u>Fargo< ND 58108-2767</u> Phone No. <u>1-701-476-3148</u>

Project Operator's Application For Tax Incentives

9.	Indicate the tax incentives applied for and terms. Be specific.
	<input type="checkbox"/> Property Tax Exemption <div style="display: inline-block; width: 40%;"> <u> </u> Number of years <u> </u> Percent of exemption </div> <input checked="" type="checkbox"/> Payments In Lieu of Taxes <div style="display: inline-block; width: 40%;"> <u>2026</u> Beginning year <u>2035</u> Ending year <u>\$100</u> Amount of annual payments (attach schedule if payments will vary) </div>
10.	Which of the following would better describe the project for which this application is being made:
	<input type="checkbox"/> New business project <input checked="" type="checkbox"/> Expansion of a existing business project

Description of Project Property**11. Legal description of project real property**Please see attached for legal description of real property.**12. Will the project property be owned or leased by the project operator?** ☒ Owned ☐ Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?

☐ Yes ☐ No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? ☒ New construction ☐ Existing facility

If existing facility, when was it constructed? _____

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application July 2, 2024

b. Description of project to be constructed including size, type and quality of construction

Border States is constructing a 350,000 sf distribution center. The project will be a Type II-B construction consisting of a concrete floor slab, precast concrete walls, steel joist roof framing with membrane roofing system. Site work such as excavating, grading, and paving will also be completed as part of the construction.c. Projected number of construction employees during the project construction 10 employees/day for 18 months**14. Approximate date of commencement of this project's operations** Winter 2025**15. Estimated market value of the property used for this project:**a. Land..... \$ 4,100,000.00b. Existing buildings and structures for which an exemption is claimed..... \$ 0.00c. Newly constructed buildings and structures when completed \$ 38,119,300.00d. Total..... \$ 38,119,300.00e. Machinery and equipment \$ 4,659,000.00**16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:**a. Land (not eligible) b. Eligible existing buildings and structures..... \$ 0c. Newly constructed buildings and structures when completed..... \$ 1,905,965.00d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ 1,905,965.00e. Enter the consolidated mill rate for the appropriate taxing district 272.00f. Annual amount of the tax exemption (Line d multiplied by line e)..... \$ 518,422.48

Description of Project Business

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in: ☐ Ag processing ☐ Manufacturing ☐ Retailing
☒ Wholesaling ☐ Warehousing ☐ Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

Please see attached project description.

19. Indicate the type of machinery and equipment that will be installed

The following machinery and equipment will be installed in the distribution center: Furniture, racking, pallet wrapper, pallet jacks, floor scurbber, wire machine, forklifts, and miscellaneous warehouse items.

20. For the project only, indicate the projected annual revenue, expense, and net income (before tax) from either the new business or the expansion itself for each year of the requested exemption.

Year (12 mo. periods)	New/Expansion Project only Year 1	New/Expansion Project only Year 2	New/Expansion Project only Year 3	New/Expansion Project only Year 4	New/Expansion Project only Year 5
Annual revenue	<u>Please see</u>				
Annual expense					
Net income					

21. Projected annual average number of persons to be employed by the project itself at the project location for each year for the first five years and the estimated annual payroll.

Year	Company-wide (before project)	New/ Expansion Project only Year 1	New/ Expansion Project only Year 2	New/ Expansion Project only Year 3	New/ Expansion Project only Year 4	New/ Expansion Project only Year 5
No. of Employees	(1) <u>3136</u>	<u>58</u>	<u>60</u>	<u>62</u>	<u>65</u>	<u>68</u>
	(2) <u>38</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Estimated payroll	(1) <u>387,835</u>	<u>4,225,72</u>	<u>4,541,52</u>	<u>4,875,82</u>	<u>5,308,96</u>	<u>5,768,96</u>
	(2) <u>2,221,62</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

(1) - full time
(2) - part time

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? ☐ Yes ☒ No
23. Has the project operator conducted this business at this or any other location either in or outside of the state?
☐ Yes ☒ No
24. Has the project operator or any officers of the project received any prior property tax incentives? ☒ Yes ☐ No
If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).
1) Border States Industries, Inc., 2400 38 ST S, Fargo - approved in 2016 and expires in 2029
2) Border States Industries, Inc., 605 25 ST S, Fargo - approved in 2014 and expires in 2025

Business Competition

25. Is any similar business being conducted by other operators in the municipality? ☒ Yes ☐ No
If YES, give name and location of competing business or businesses
~~Dakota Supply Group: 2601 3rd Ave. N., Fargo, ND 58102~~
~~Consolidated Electrical Distributors: 3850 34th Avenue S, Fargo, ND 58104~~
Wesco: 2650 7th Ave. N., Fargo, ND 58102

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it? ☐ Yes ☒ No
27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property? ☐ Yes ☒ No
If the answer to 26 or 27 is Yes, list and explain

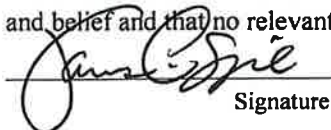
Use Only When Reapplying

28. The project operator is reapplying for property tax incentives for the following reason(s):
☐ To present additional facts or circumstances which were not presented at the time of the original application
☐ To request continuation of the present property tax incentives because the project has:
☐ moved to a new location
☐ had a change in project operation or additional capital investment of more than twenty percent
☐ had a change in project operators
☐ To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, James Sipe, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.


Signature

Executive VP - Supply Chain

Title

2-7-24
Date

PRIVACY ACT NOTIFICATION

In compliance with the Privacy Act of 1974, disclosure of a social security number or Federal Employer Identification Number (FEIN) on this form is required under N.D.C.C. §§ 40-57.1-03, 40-57.1-07, and 57-01-15, and will be used for tax reporting, identification, and administration of North Dakota tax laws. Disclosure is mandatory. Failure to provide the social security number or FEIN may delay or prevent the processing of this form.

Certification of Governing Body (To be completed by the Auditor of the City or County)

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the _____ day of _____, 20____, granted the following:

☐ **Property Tax Exemption**

_____ Number of years

_____ Percent of exemption

☐ **Payments in lieu of taxes**

_____ Beginning year _____ Ending year

_____ Amount of annual payments (Attach schedule if payments will vary)

Auditor

Business Incentive Agreement

1. In fulfillment of the requirements of N.D.C.C. § 54-60.1-03, Grantor and Recipient enter into this Business Incentive Agreement.

Grantor

Name	City of Fargo
Address	225 4th Street North Fargo, ND 58102

Recipient

Name		Border States Industries, Inc.		
Address		2400 38th St. S., Fargo, ND 58104		
Contact Person	James Sipe, Exec. VP of Supply Chain	E-mail Address	jsipe@borderstates.com	
Recipient Parent Company (If applicable)				
Business Type (NAICS Code)				423610 (primary); 423690 (secondary)
Location of Recipient Prior to Receiving Incentive (If different)				

2. Description of project.

Please see attached.

3. Grantor(s) agrees to provide recipient with a business incentive described as follows:

3.a. Is this incentive tax increment financing? ☐ Yes ☒ No

If yes, describe the type of district:

4. The business incentive will be provided on _____.
This date is the benefit date.

5. The public purpose(s) of the business incentive are:

- | | |
|--|---|
| <input type="checkbox"/> Assisting community development | <input checked="" type="checkbox"/> Increase tax base |
| <input checked="" type="checkbox"/> Directly create employment opportunities | <input type="checkbox"/> Indirectly increase employment opportunities |
| <input type="checkbox"/> Job retention | <input type="checkbox"/> Other _____ |

6. Value of Business Incentive: \$5,184,224.80 if 10
year 100% exemption is granted

7. Recipient currently employs 3,136 people, located in 38 states (391 Fargo employees)

8. In return for the business incentive, Recipient shall, within two years create: 60
Number of full-time equivalent jobs

$$\frac{25.22}{\text{Average hourly wage}} + \frac{9.80}{\text{Benefits per hour value}} = \frac{35.02}{\text{Average hourly compensation}}$$

9. The Recipient shall continue operations in the jurisdiction in which the business incentive was issued for five years or more after the benefit date.

10. Recipient shall file a recipient report with the Grantor, as described in N.D.C.C. § 54-60.1-05 annually on or before March 1st of each year for two years, beginning in 2007, following the benefit date or until the goals of paragraph 8 are met, whichever is later.

10.a. Grantor shall mail the recipient a warning letter if no report is received by March 8th. Recipient shall file the progress report within 14 days of the postmarked date of the warning letter.

10.b. If a recipient report is not received within 14 days of the warning letter, Recipient agrees to pay to Grantor a \$100 penalty for each subsequent day until the report is filed. The maximum penalty under this section may not exceed \$1,000.

11. Recipient shall pay back the value of the incentive to the Grantor, prorated to reflect any partial fulfillment of the job and compensation goals, if, after two years, the job and compensation goals listed in paragraph 8 are not met.

- 11.a. Paragraph 11 does not apply if the job and compensation goals were not met as a result of an act of God or terrorism.
12. This business incentive agreement shall only be modified or extended by the Grantor pursuant to N.D.C.C. § 54-60.1-04.
13. If the terms of this business incentive agreement are not met, Recipient shall not receive a business incentive from any grantor for five years from the date of failure or until a recipient satisfies the repayment obligation.
14. The Recipient has disclosed, in attachment "A" of this agreement, all additional financial assistance received from state or political subdivision Grantors for this project since inception.
15. By signing this agreement, Recipient verifies that it has not failed to meet the terms of any business incentive agreement in the last five years.

Dated this _____ day of _____, 20____.

Grantor: _____ on behalf of _____

Dated this _____ day of _____, 20____.

Recipient: _____ on behalf of _____

LEGAL DESCRIPTION OF PROPERTY: SIX PARCELS OF LAND INCLUDING:

Lots one, Two, Three, Four, Five, and Six, in Block Three of Laverne's Second Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

Common Addresses:

- *Lot 1: 3181 43rd St. N*
- *Lot 2: 3101 43rd St. N*
- *Lot 3: 3303 43rd St. N.*
- *Lot 4: 3030 42nd St. N.*
- *Lot 5: 3100 42nd St. N.*
- *Lot 6: 3190 42nd St. N.*

**Supplement to Border States Industries, Inc.'s Application for
Property Tax Incentives for New or Expanding Businesses**

Question 21

Current positions & positions added the initial year of project

# Current Positions	New Positions Under \$13.00	New Positions \$13.01-\$15.00	New Positions \$15.01-\$20.00	New Positions \$20.01-\$28.00	New Positions \$28.01-\$35.00	New Positions Over \$35.00
0				58		

Question 25:

Border States' planned distribution center will not compete directly with the competitors listed in the application. However, the distribution center will supply Border States' branch locations which do compete directly with the competitors listed. WESCO and Graybar, specifically, are large wholesale distributors and 100% of our gross revenue competes directly with these entities.

Border States Industries, Inc.

By: James Sipe
Title: Exec. VP - Supply Chain

Dated: February 15, 2024

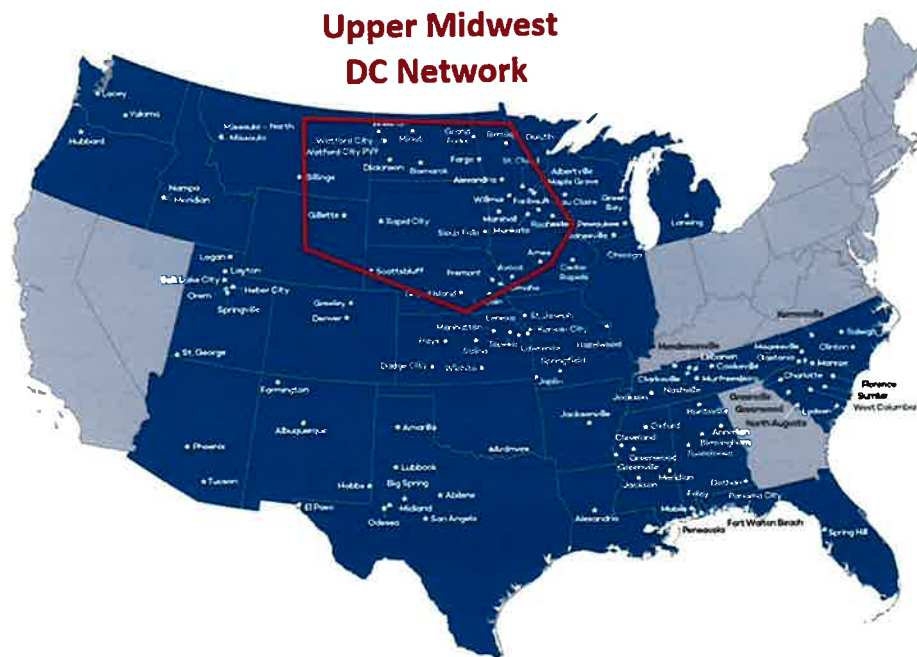
Paragraph 18: Description of Project:

Border States Industries, Inc. (Border States) is a wholesale distributor of electrical, construction, industrial, utility, and data communication materials and equipment. Border States is a North Dakota corporation, founded in Grand Forks in 1952 and incorporated in North Dakota in 1961. Border States is 100% employee owned and is one of the 100 largest employee-owned companies in the United States.

Border States is headquartered in Fargo and presently has over 120 locations in over 29 states and employs more than 3,000 individuals in 38 states. Border States has 391 employee-owners located in Fargo at our branch location (605 25th St. S., Fargo, ND 58103) and principal office and branch support center (2400 38th St. S., Fargo, ND 58104).

Border States is implementing a Distribution Network strategy over the next 5-7 years which will result in several operational efficiencies for Border States and ultimately lower the cost to serve our customers. Border States' first distribution center will be constructed in the Upper Midwest and will be the model for our distribution centers in other regions of the country. The Upper Midwest distribution center will serve 28 of Border States' operating branch locations in the Upper Midwest (ND, MN, SD, NE, MT, WY, & IA).

Border States is evaluating construction of its Upper Midwest Distribution Center in North Fargo with construction planned for July 2024 and operations to commence in the Winter of 2025. While Border States continues to evaluate other locations in the Upper Midwest, it has narrowed its primary focus to Fargo and Sioux Falls, SD. Border States prefers Fargo to Sioux Falls because of the operational effectiveness of the location and Border States' strong connection to the Fargo community.



Operations at the distribution center will primarily consist of inventory management, consolidation and repackaging for distribution to Border States "final mile" operating branches. Collateral operations will

include wire cutting, return staging and processing, Border States services, Material Handling Equipment (MHE), and asset storage. While Border States does not manufacture the products it sells, this facility will include a Border States service center which may focus on some light assembly, modification and kitting operations.

Inventory will be received at the distribution center from Border States' various manufacturer and vendor partners. Border States will house approximately \$40 to \$50 million dollars in inventory at the distribution center. The inventory stored will consist primarily of electrical, construction, & utility materials and equipment. The majority of products are materials that can be stored efficiently indoors and that can be transported on standard pallets. Border States anticipates 25,000 -30,000 unique SKU's housed within the Upper Midwest distribution center once fully operational.

At least 58 full-time employees will be needed on day one of operations. The distribution center will include office space, a conference room, a breakroom, and a reception area for distribution center employees and distribution center support. All administrative and branch support functions will remain at Border States' branch support center in Fargo.

Paragraph 20: Annual Expense, Revenue, and Net Income: The distribution center will not directly generate revenue because sales are not generated from the distribution center. Rather, the distribution center will serve Border States' Upper Midwest operating branch locations which generate revenue. Calculating the increase in revenue and net income because of the operational efficiencies created by the distribution center is a complex and nuanced analysis. Upon request, Border States can provide on a confidential basis financial information needed to evaluate the application.



June 29, 2020

Rachel Schall
Border States Industries Inc
PO Box 2767
Fargo, ND 58108-2767

Dear Rachel:

Thank you for your application for primary-sector certification by the North Dakota Department of Commerce, Economic Development & Finance Division. We have reviewed your application and determined that ED&F can certify your company, **Border States Industries Inc**, as primary sector and a new wealth creator in the economy of North Dakota. This certification is valid for **four years** from today's date (expires 6/29/2024).

Most of North Dakota's economic development programs, tools and incentives are targeted toward primary-sector clients. You may be requested to provide a copy of this primary-sector certification letter when you apply for certain economic development incentive and funding programs.

This certification does not guarantee the receipt of any North Dakota business incentive. For example, there are additional qualification criteria for the Seed Capital Investment and Agricultural Business Investment personal income tax credits, and it is critical that investments **NOT** be made prior to the business receiving certification for these two credits. If you are pursuing certification for investment tax credits and need to know the criteria required for qualification, contact Joe Cicha 701-328-7283.

This certification is not the application process for the North Dakota New Jobs Training Program administered by Job Service North Dakota. To apply for the North Dakota New Jobs Training Program, you must contact Job Service North Dakota for the required application forms. Application forms for other programs that require primary sector certification are available from the agency administering the program.

Also, companies and individuals pursuing the investment tax credit incentive are reminded there is a cap on available dollars. Please visit with the ND Office of the Tax Commissioner regarding the remaining balance for investment tax credits. The credits are available on a first-come-first-serve basis until the law-defined cap is met.

North Dakota appreciates your contribution to the citizens and economy of our state. If there is anything further we can do to assist your company, please contact us at 701-328-5300.

Sincerely,

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

James Leiman, Director
Economic Development & Finance Division

1600 E Century Avenue, Suite 2 | P.O. Box 2057 | Bismarck, ND 58502-2057

PHONE: 701-328-5300 | TOLL-FREE: 1-866-4DAKOTA | ND RELAY TTY: 1-800-366-6888 | VOICE: 1-800-366-6889 | NDCommerce.com

Exemption Evaluation Calculator				145.0		145.0	
Border States Industries Inc				Points		Points	
Project Type Code (Ctrl-C to view)				3	25.0	3	25.0
Year 1				Year 3			
Current Number Of Employees				391		391	
Hourly Salary Without Benefits							
Under \$13.00							
\$13.01-\$15.00							
\$15.01-\$20.00							
\$20.01-\$28.00				58		62	
\$28.01-\$35.00				Pts. For # Jobs->		Pts. For # Jobs->	
Over \$35.00				Pts. For \$ Jobs->		Pts. For \$ Jobs->	
TOTAL # OF JOBS CREATED				58		62	
% GI w/ Local Competition (not downtown)				100%		100%	
Value of Proposed Buildings				\$ 38,119,300		\$ 38,119,300	
Downtown Location (Y/N)				N		N	
Startup Firm (Y/N)				N		N	
Has Const Started or Has Bldg Been				N		N	
Occupied If Existing (Y/N)				10		10	
Number of Years (Exemption)				3		3	
Company Safety Experience Rating				25.0		25.0	
RECOMMENDATION IS TO				APPROVE			
Description				Primary Sector Dist			
Estimated New Annual Payroll				\$2,895,360			
Estimated Annual Real Estate Tax				\$518,422			
Estimated PV of Exemption				\$4,003,121			
Payroll / PV of Exemption				0.7			
Property Value / # of Jobs				\$ 657,229			
Total Value Of Benefit				\$ 5,184,225			
				APPROVE			
				Primary Sector Dist			
				\$3,095,040			
				\$518,422			
				\$4,003,121			
				0.8			
				\$ 614,827			
				\$ 5,184,225			

MEMORANDUM

48

TO: Fargo City Commission

FROM: Nicole Crutchfield, Director of Planning and Development
Mark Williams, Assistant Director of Planning and Development
Kim Citrowske, Planning Coordinator

DATE: March 14, 2024

SUBJECT: Growth Plan Update

Growth Plan consultants, czb will be in town March 18th and 19th for committee meetings and staff workshops. As part of their itinerary, the consultants will provide a brief presentation about the progress of Fargo Growth Plan 2024 at the March 18th City Commission.

Background

City of Fargo has experienced steady growth in population and employment over the last few decades and anticipates future growth. The last Growth Plan was adopted in 2007 and is in need of updates. Following Request for Proposal process in the fall of 2022, the consultant team of czb, LLC was contracted to facilitate the growth planning process.

Work began February 2023 as part of a three phase process including:

1. Our Current Path - Understand how Fargo has grown historically
2. Our Chosen Path – Learn from historic growth and set direction going forward
3. Our Growth Plan and Decision-Making Framework – Guidance plan to direct future growth

The presentation will provide an update on the plan progress and will share an overview of themes and findings to be included in the final document. Since summer 2023, extensive community engagement has been incorporated throughout the process to include meetings with broad community stakeholders, technical experts, public open houses and online surveys where citizens were invited to provide feedback about future growth preferences.


For more information, visit the project website: www.FargoGrowthPlan.org



49

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: DESI FLEMING 
DIRECTOR OF PUBLIC HEALTH

DATE: MARCH 12, 2024

**RE: 2023 CITY OF FARGO 911 RESPONSE DATA REVIEW BY
SANFORD AMBULANCE-FARGO.**

Please see the attached presentation that will be provided by F-M Ambulance Inc. d/b/a Sanford Ambulance-Fargo. They will cover information regarding their organization and the services they have delivered to our community throughout 2023.

DF/lls
Attachment

2023 CITY OF FARGO AMBULANCE DATA

SANFORD AMBULANCE



OUR FAMILY

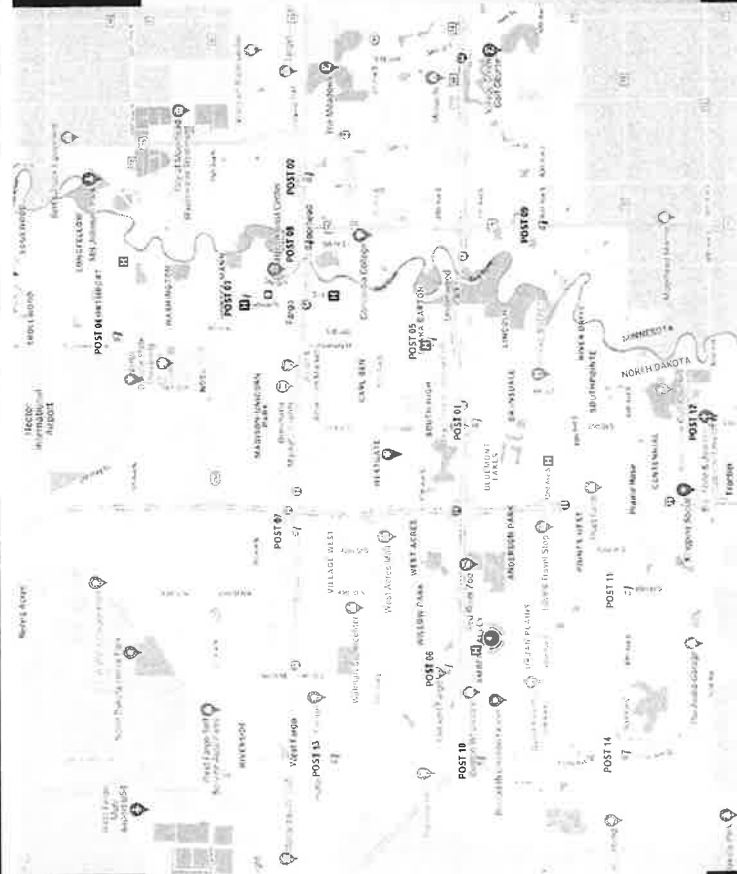
135 Team Members
126 Patient Care Providers



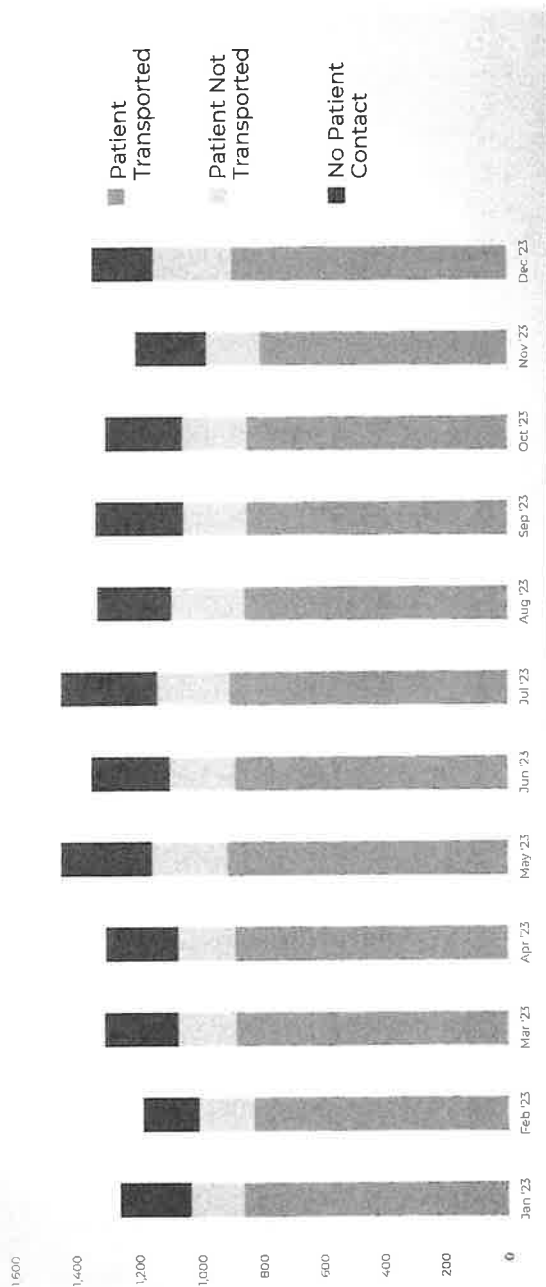
ACCREDITATION



POSTS



2023 CALL VOLUME = 15,849



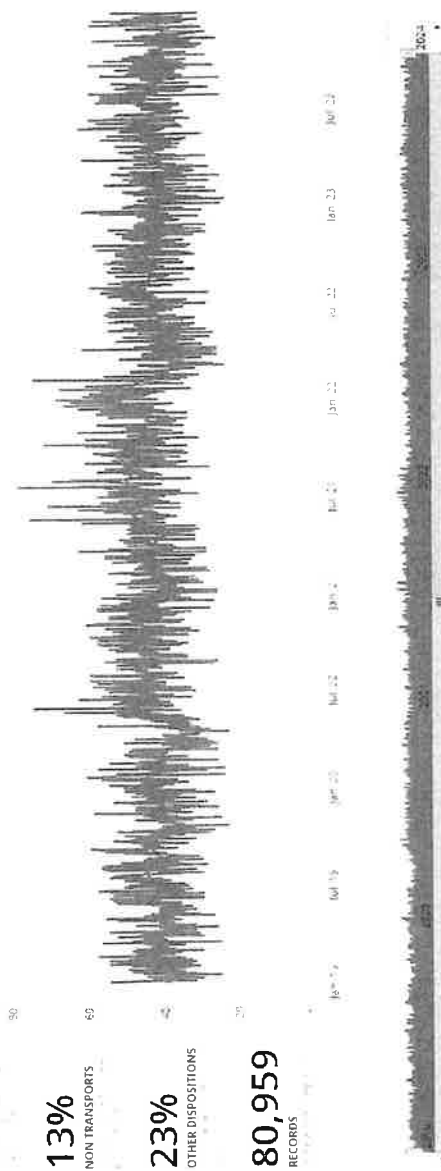
RESPONSE VOLUME 2019 - 2023

64%
TRANSPORTS

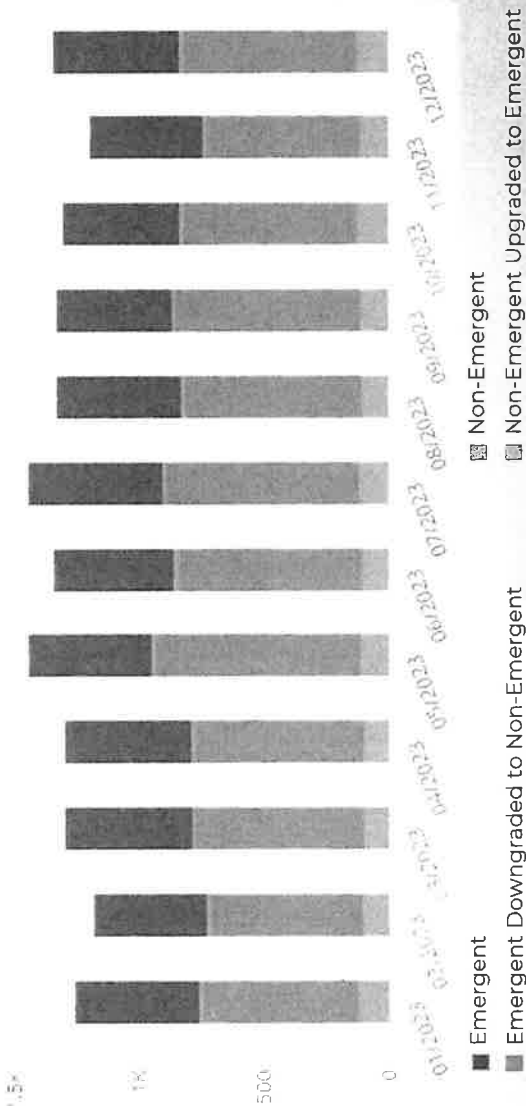
13%
NON TRANSPORTS

23%
OTHER DISPOSITIONS

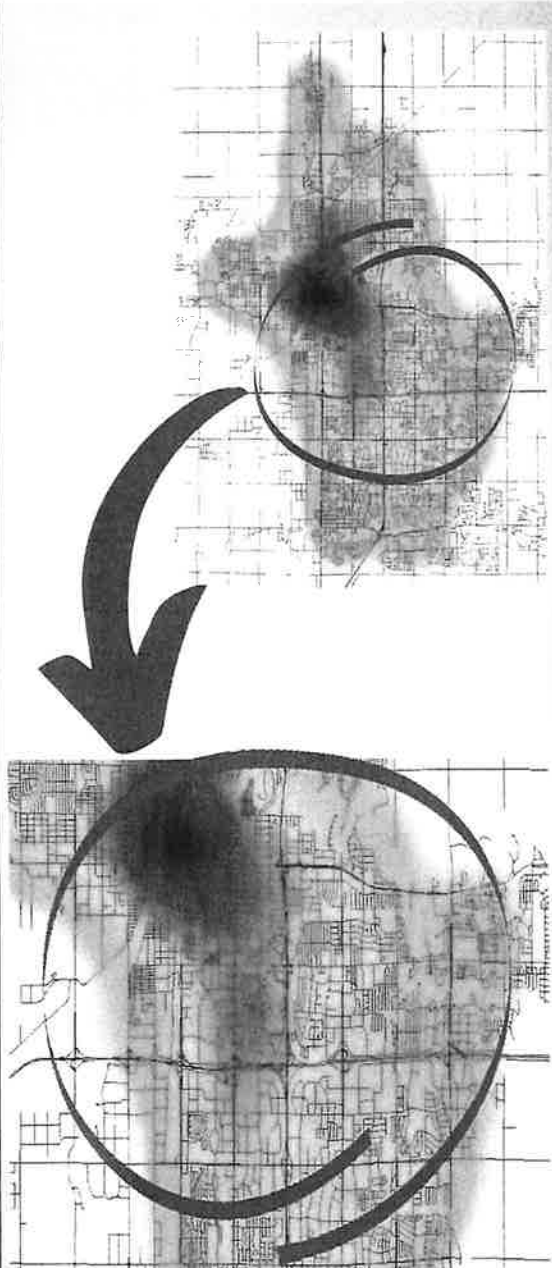
80,959
RECORDS



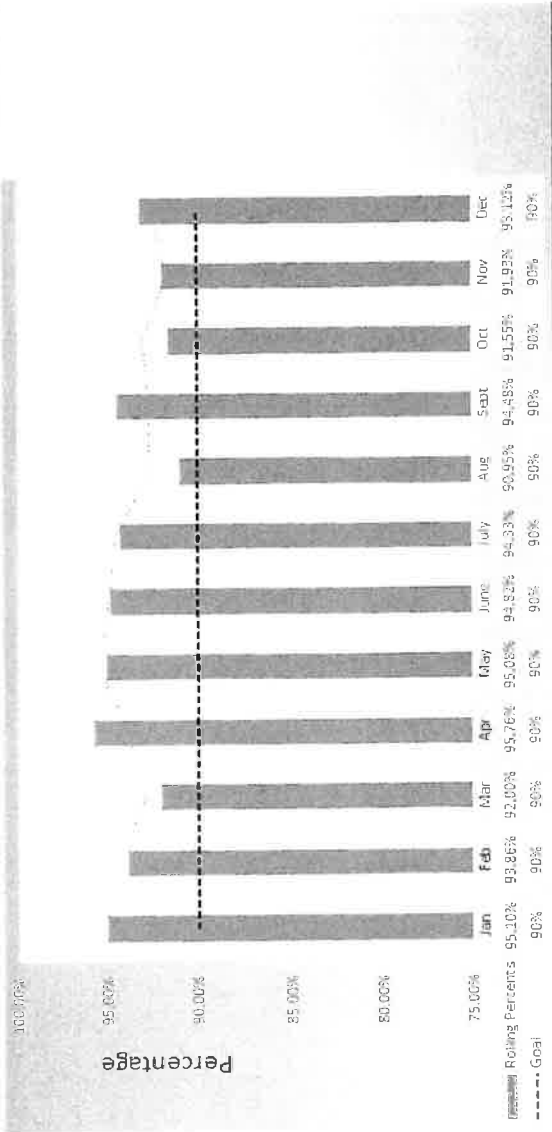
RESPONSE TYPES



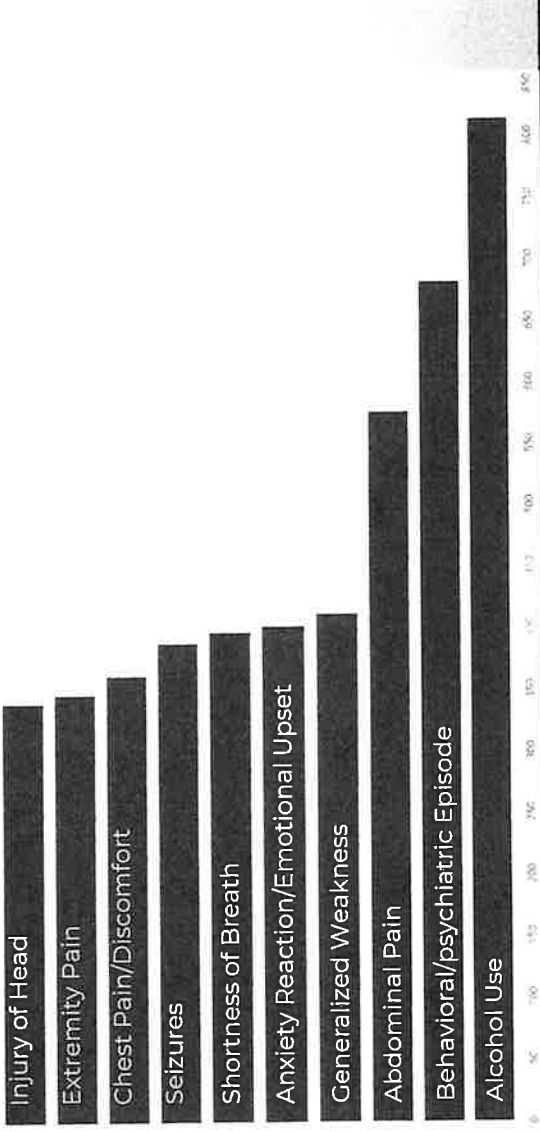
FARGO RESPONSES



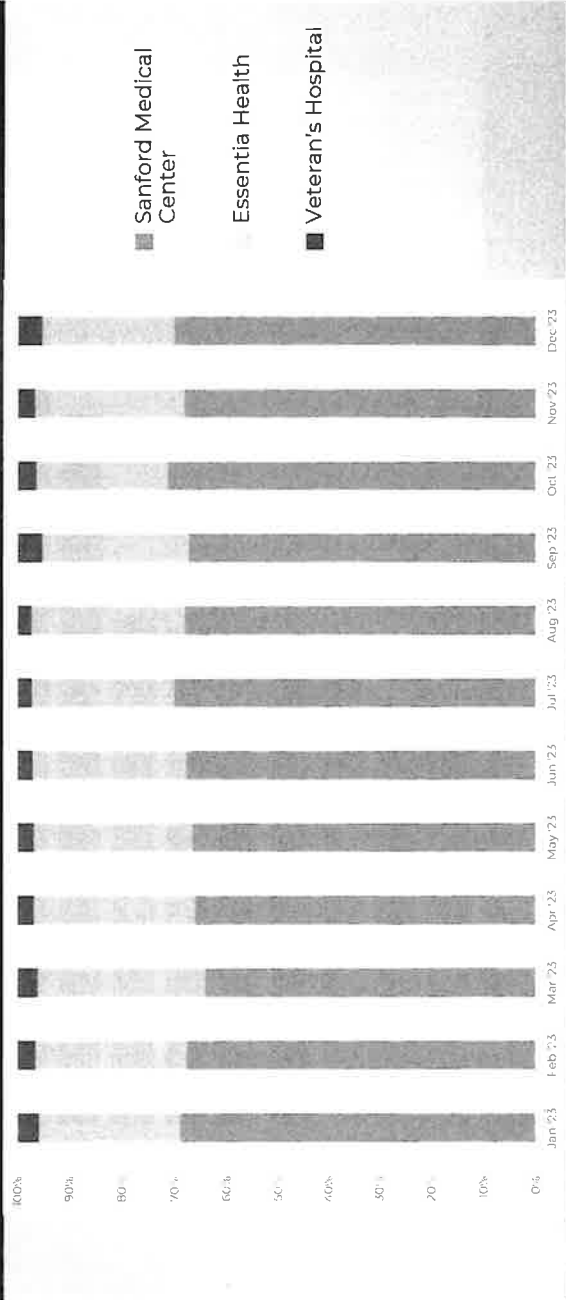
EMERGENT RESPONSE PERFORMANCE



TOP 10 PRIMARY IMPRESSIONS

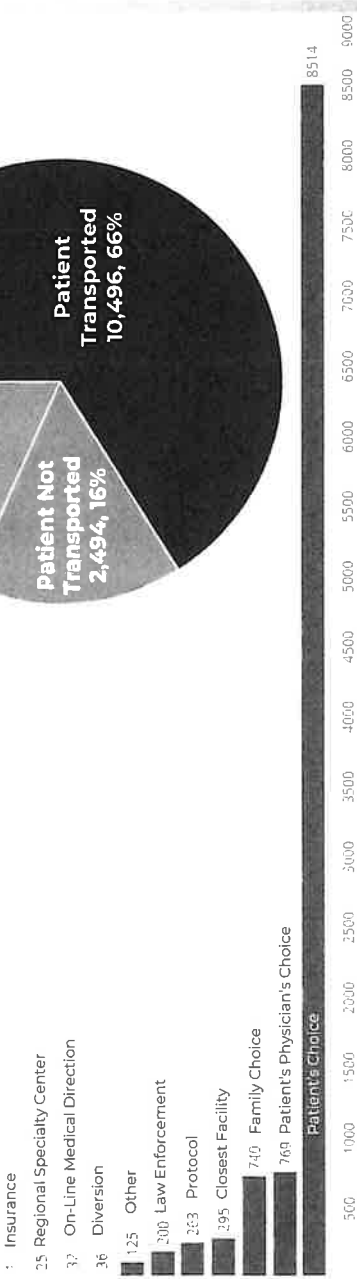


DESTINATIONS



DESTINATION CHOICE

Transport Due To:



CARDIAC & STROKE CARE



The American Heart Association proudly recognizes

Sanford Ambulance – Fargo
Fargo, ND

Mission: Lifeline EMS – GOLD with Target Heart Attack Honor Roll



MISSION: LIFELINE EMS

The American Heart Association is proud to recognize the following EMS agencies for their commitment to providing high-quality care to patients with heart and stroke emergencies.

For additional information, please contact:
Mission: Lifeline EMS
11000 North Central Expressway, Suite 100
Dallas, TX 75243
Phone: (214) 746-1000
Email: missionlifeline@heart.org

2023 Mission: Lifeline EMS Recognition

GOLD

EMS

2023 Mission: Lifeline EMS Recognition

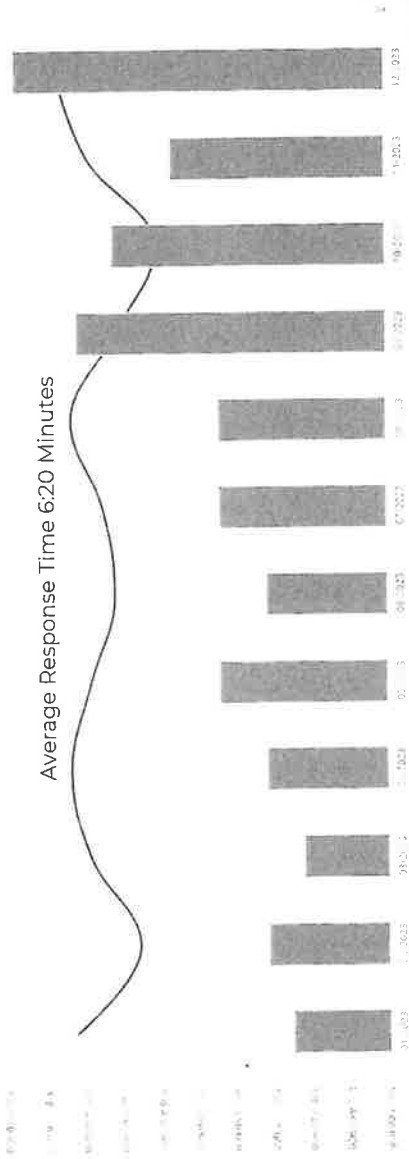
STROKE

EMS

TIME SENSITIVE PATIENTS

Goal <8:59 Minutes

Average Response Time 6:20 Minutes

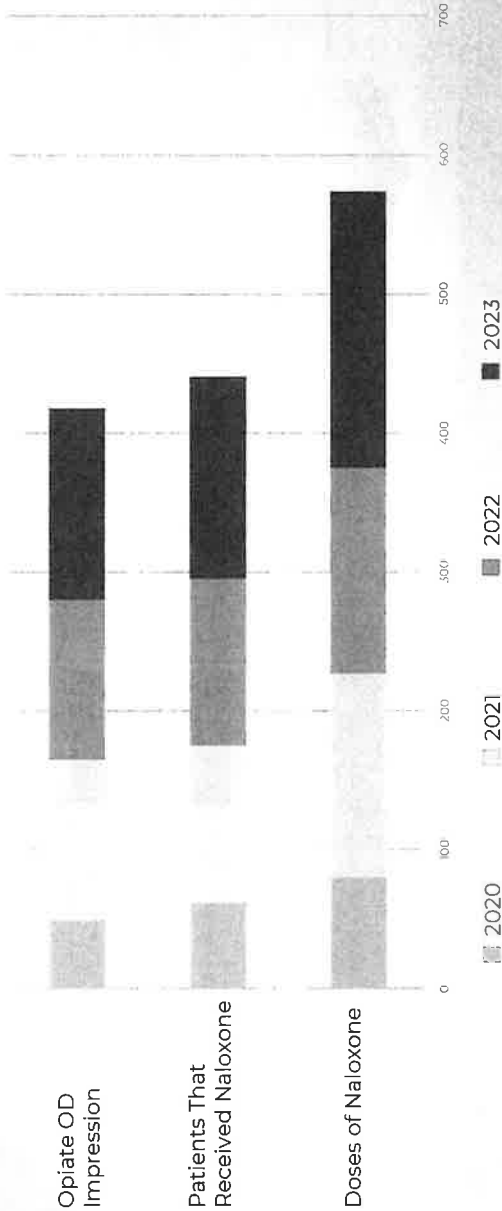


CARDIAC REGISTRY TO ENHANCE SURVIVAL (CARES)

- 2022 National Annual Report
 - 40% received bystander CPR
 - 11.3% had bystander applied AED
 - 9.3% survived to hospital discharge
 - Utstein = 30.7%
- 2023 Preliminary Fargo Data
 - 34.8% received bystander CPR
 - 11.1% had bystander applied AED
 - 9.5% survived to hospital discharge
 - Utstein = 30.0%
- Utstein Bystander = 34.3%
 - Bystander provided CPR and/or AED
- Utstein Bystander = 33.3%
 - Bystander provided CPR and/or AED

<https://mycares.net>

OPIATE NUMBERS



THANK YOU





(50)

FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

OFFICE OF THE CHIEF

Memorandum

To: Fargo City Commission

From: Assistant Chief Travis Stefonowicz

Date: March 14, 2024

RE: 2023 Police Department Annual Report

Dear Commissioners,

Chief Zibolski will present a slideshow summary of the 2023 Police Department Annual Report to the Commission. The annual report will be released following the City Commission meeting on the Fargo Police Department's website.

Recommended Motion:

To receive and file the 2023 Police Department's Annual Report.

Respectfully,

Travis Stefonowicz
Assistant Chief of Police



5/a

March 8, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 312 Southwood Dr S as submitted by Erik Barner and Whitney Schreiber Beck Barner. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$15,340 with the City of Fargo's share being \$2,608.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lot 13 & 14 Southwood Addition

2. Address of Property 912 Southwood Dr. S.

3. Parcel Number 01-2860-00140-000

4. Name of Property Owner Erik & Whitney Barner Phone No. 701/367-6203

5. Mailing Address of Property Owner Same

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Total gutted + renovation of main + 2nd floor, basement finish, garage

7. Building permit No. 22060650 8. Year built (residential property) 1964

9. Date of commencement of making the improvements 10/1/2022

10. Estimated market value of property before the improvements \$ 556,400

11. Cost of making the improvement (all labor, material and overhead) \$ 1,250,000

12. Estimated market value of property after the improvements \$ 1,687,100

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant E.B. Date Feb. 9, 2024

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization Whitney Barner Date 3-13-2024

Action Of Governing Body

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

Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson _____ Date _____



516

March 8, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 222 Linden Ave S as submitted by Trevor and Kathryn Christianson. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$328 with the City of Fargo's share being \$56.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed N/A
2. Address of Property 222 Linden Ave S
3. Parcel Number 01-0120-02641-000
4. Name of Property Owner Trevor & Kathryn Christianson Phone No. 701-200-2017
5. Mailing Address of Property Owner 222 Linden Ave S

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Kitchen Remodel
7. Building permit No. 2210-0726 8. Year built (residential property) 1923
9. Date of commencement of making the improvements _____
10. Estimated market value of property before the improvements \$ 239,700.00
11. Cost of making the improvement (all labor, material and overhead) \$ 24,200.00
12. Estimated market value of property after the improvements \$ 263,700.00

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.
Applicant K. Christianson [Signature] Date 2/22/24

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s): _____
Assessor/Director of Tax Equalization [Signature] Date 3-13-2024

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
Approval is subject to the following conditions: _____
Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.
Chairperson _____ Date _____



510

March 8, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4334 Carrie Rose Ln S as submitted by Richard and Kathleen Lee. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$311 with the City of Fargo's share being \$53.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lot 17 Block 1 Summit Chase Addition
2. Address of Property 4334 Carrie Rose Ln S
3. Parcel Number 01-2940-00160-000
4. Name of Property Owner Richard & Kathleen Lee Phone No. 701 361 8458 ^R
5. Mailing Address of Property Owner 4334 Carrie Rose Ln S 701 261 9193 ^K

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding
7. Building permit No. 23060482 8. Year built (residential property) 1991
9. Date of commencement of making the improvements 06/22/2023
10. Estimated market value of property before the improvements \$ 427,400
11. Cost of making the improvement (all labor, material and overhead) \$ 62,000 est. ^{1.2 Million 4.8 uni}
12. Estimated market value of property after the improvements \$ 489,400

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Richard G. Lee Date 12 Feb 2024

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization Wile J. Grubbs Date 3-13-2024

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson _____ Date _____



5/d

March 8, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1006 South Dr S as submitted by Tom and Kelly Borgen. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$294 with the City of Fargo's share being \$50.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed _____
Lot: 2 Block: 3 Addition: Harry A Schnell Additional: HARRY A SCHNELL LOT 2 BLK 3
2. Address of Property 1006 South Dr. S., Fargo, ND 58103
3. Parcel Number 01-2660-00510-000
4. Name of Property Owner Tom T and Kelly R Borgen Phone No. 7014290315
5. Mailing Address of Property Owner 1006 South Dr. S., Fargo, ND 58103

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). NRI - New windows, HVAC (2 mini-split heat pumps)
Full kitchen remodel, new flooring. Non=NRI: replaced garage subpanel, added outlet
7. Building permit No. 000034 8. Year built (residential property) 1959
9. Date of commencement of making the improvements 07/13/2023
10. Estimated market value of property before the improvements \$ 281,000
11. Cost of making the improvement (all labor, material and overhead) \$ 45,000
12. Estimated market value of property after the improvements \$ 302,700

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Kelly Borgen Date 1/2/24

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application ☒ do not ☐ meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization Mike Sloukh Date 3-13-2024

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
 Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson _____ Date _____



5/e

February 5, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4336 Carrie Rose Ln S as submitted by Bradley and Ann Williams. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$335 with the City of Fargo's share being \$57.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lot 15 Block 1 Summit Chase
2. Address of Property 4336 Carrie Rose Ln S
3. Parcel Number 01-2940-00150-000
4. Name of Property Owner Bradley & Ann Williams Phone No. (S) 701-200-1919
(A) 701-200-1270
5. Mailing Address of Property Owner 4336 Carrie Rose Ln S

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding
7. Building permit No. 23060371 8. Year built (residential property) 1991-2
9. Date of commencement of making the improvements 06/22/2023
10. Estimated market value of property before the improvements \$ 456,000.00
11. Cost of making the improvement (all labor, material and overhead) \$ 67,000.00
12. Estimated market value of property after the improvements \$ 523,000.00

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.
Applicant Ann E. Williams Date 1-15-2024

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s):
Assessor/Director of Tax Equalization [Signature] Date 2-9-2024

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
Approval is subject to the following conditions:
Exemption is allowed for years 20__, 20__, 20__, 20__, 20__.
Chairperson _____ Date _____



514

February 14, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1707 9 St S as submitted by Patrick and Natasha Thomas. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$203 with the City of Fargo's share being \$35.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

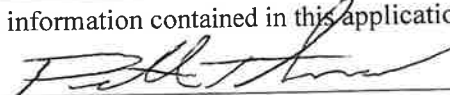
Property Identification

1. Legal description of the property for which exemption is claimed Pt of Lots 2 & 3 Block 5
Fargo Investment Co 1st
2. Address of Property 1707 9 St S
3. Parcel Number 01-0820-00900-000
4. Name of Property Owner Patrick & Natasha Thomas Phone No. (701) 429-4030
5. Mailing Address of Property Owner 1707 9 St S


Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Reside dwelling
7. Building permit No. 23080925 8. Year built (residential property) 1955
9. Date of commencement of making the improvements 08/25/2023
10. Estimated market value of property before the improvements \$ 331,000
11. Cost of making the improvement (all labor, material and overhead) \$ 68,000.00
12. Estimated market value of property after the improvements \$ 399,000

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.
Applicant  Date 01/31/2024

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s):
Assessor/Director of Tax Equalization  Date 3-13-2024

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
Approval is subject to the following conditions:
Exemption is allowed for years 20__, 20__, 20__, 20__, 20__.
Chairperson _____ Date _____



5/19

February 14, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4332 Carrie Rose Ln S as submitted by Jane Grove. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$336 with the City of Fargo's share being \$57.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lot 17 Block 1 Summit Chase Addition
2. Address of Property 4332 Carrie Rose Ln S
3. Parcel Number 01-2940-00170-000
4. Name of Property Owner Jane Grove Trust Phone No. 761-261-9023
5. Mailing Address of Property Owner 4332 Carrie Rose Ln S

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding
7. Building permit No. 23060483 8. Year built (residential property) 1991
9. Date of commencement of making the improvements 06/22/2023
10. Estimated market value of property before the improvements \$ 459,000
11. Cost of making the improvement (all labor, material and overhead) \$ 67,000
12. Estimated market value of property after the improvements \$ 526,000

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.
Applicant Jane L. Date 1/31/24

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s):
Assessor/Director of Tax Equalization Mike Lombardi Date 3-13-2024

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
Approval is subject to the following conditions:
Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.
Chairperson _____ Date _____



51w

February 14, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 812 7 St N as submitted by Brian Trauman. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$2,320 with the City of Fargo's share being \$394.

Sincerely,

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

Mike Splonskowski
City Assessor

nlb
attachment

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lot: S 3 FT OF 6 & 47 FT OF 5,
Block: 13, Addition Name: Harwoods 2nd
2. Address of Property 812 7th St N, Fargo, ND 58102
3. Parcel Number 01-1130-00420-000
4. Name of Property Owner Trauman, Brian Phone No. (701) 730-3704
5. Mailing Address of Property Owner 812 7th St N, Fargo, ND 58102

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Finish gutted interior of 2 Bed/3 Bath house. Replace original Porch posts, widen opening in non-bearing living room wall. Replace basement stairway and enlarge stairway opening to upstairs.
7. Building permit No. 2303-0408-REN 8. Year built (residential property) 1900
9. Date of commencement of making the improvements April 3rd, 2023
10. Estimated market value of property before the improvements \$ 94,600
11. Cost of making the improvement (all labor, material and overhead) \$ 200,000.
12. Estimated market value of property after the improvements \$ 294,600

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.
Applicant Brian Trauman Date 2-5-24

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s):

Assessor/Director of Tax Equalization Michelle Glombkowski Date 3-13-2024

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
Approval is subject to the following conditions:

Exemption is allowed for years 20__, 20__, 20__, 20__, 20__.
Chairperson _____ Date _____



51i

February 14, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4330 Carrie Rose Ln S as submitted by Richard and Jo Ellen Solberg. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$305 with the City of Fargo's share being \$52.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lot 17 Block 1 Summit Chase Addition
2. Address of Property 4330 Carrie Rose Ln S
3. Parcel Number 01-2940-00180-000
4. Name of Property Owner Richard & Jo Ellen Solberg Phone No. _____
5. Mailing Address of Property Owner 4330 Carrie Rose Ln S

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding
7. Building permit No. 23060484 8. Year built (residential property) 1991
9. Date of commencement of making the improvements 06/22/2023
10. Estimated market value of property before the improvements \$ 427,200
11. Cost of making the improvement (all labor, material and overhead) \$ 67,000
12. Estimated market value of property after the improvements \$ 494,200

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant

R Solberg

Date

2-6-24

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application ☒ do not ☐ meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization

W. J. Solberg

Date

3-13-2024

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson

Date



51j

February 14, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4402 Carrie Rose Ln S as submitted by David and Rebecca Berg. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$308 with the City of Fargo's share being \$52.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lot 13 Block 1 Summit Chase
2. Address of Property 4402 Carrie Rose Ln S
3. Parcel Number 01-2940-00130-000
4. Name of Property Owner David Berg RT & Rebecca Berg RT Phone No. 701-238-2118
5. Mailing Address of Property Owner 4402 Carrie Rose Ln S

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding
7. Building permit No. 23060479 8. Year built (residential property) 1991
9. Date of commencement of making the improvements 06/22/2023
10. Estimated market value of property before the improvements \$ 422,900
11. Cost of making the improvement (all labor, material and overhead) \$ 22,700
12. Estimated market value of property after the improvements \$ 445,600

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant

David Berg RT & Rebecca Berg RT

Date

1/30/24

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization

Theresa S. [Signature]

Date

3-13-2024

Action Of Governing Body

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

Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson _____

Date _____



51K

February 14, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1614 4 Ave S as submitted by Dustin Marlatt and Morgan Dewitt. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$2,041 with the City of Fargo's share being \$347.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lot 4 Block 4 addition; Case Pease & Halls Addition; Case Pease & Halls Lot 4 Block 4
2. Address of Property 1614 4th Ave S., Fargo, ND 58103
3. Parcel Number 01-0340-00370-00
4. Name of Property Owner Dustin Marlatt & Morgan Dewitt Phone No. 832-628-8150
5. Mailing Address of Property Owner 1614 4th Ave S., Fargo, ND 58103

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Whole house remodel
7. Building permit No. 2023 A
8. Year built (residential property) 1924
9. Date of commencement of making the improvements Fall 2022
10. Estimated market value of property before the improvements \$ 222,700
11. Cost of making the improvement (all labor, material and overhead) \$ 150,400
12. Estimated market value of property after the improvements \$ 373,100

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant [Signature] Date 1/24/24

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization [Signature] Date 3-13-2024

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson _____ Date _____



512

February 5, 2024

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4410 Carrie Rose Ln S as submitted by Jeannine Galbreath. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$297 with the City of Fargo's share being \$51.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lot 9 Block 1 Summit Chase
2. Address of Property 4410 Carrie Rose Ln S
3. Parcel Number 01-2940-00090-000
4. Name of Property Owner Jeannine Galbreath T/O/D Phone No. 212-8106
701-298-3961
5. Mailing Address of Property Owner 4410 Carrie Rose Ln S

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding
7. Building permit No. 23060371 8. Year built (residential property) 1991
9. Date of commencement of making the improvements 06/22/2023
10. Estimated market value of property before the improvements \$ 417,300.00
11. Cost of making the improvement (all labor, material and overhead) \$ 107,000
12. Estimated market value of property after the improvements \$ 484,300

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant

Jeannine Galbreath

Date

1/22/24

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s):

Assessor/Director of Tax Equalization

Mike Glanville

Date

3-13-2024

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
- Approval is subject to the following conditions:

Exemption is allowed for years 20 __, 20 __, 20 __, 20 __, 20 __.

Chairperson

Date