

Monday, May 18, 2020 - 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. *****PLEASE NOTE** that in an effort to exercise the CDC's Prevention guidelines pertaining to social distancing and gatherings the number of individuals in attendance of the meeting will be limited. Members of the public and media are encouraged to view the meeting in an alternative method, including the following: via a livestream hosted on the City of Fargo's Facebook (questions and comments will be monitored during the Commission Meeting) and Twitter accounts, on the web at www.TVFargo.com or via the Fargo Access Channel 56.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, May 4, 2020).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Site Authorizations for Games of Chance:
 - a. Plains Art Museum at Big Top Bingo, King Pin Casino – The Bowler, Blue Wolf Casino - West Acres Bowl and Wild Bill's Sports Saloon.
 - b. Red River Human Services Foundation at The Elks Lodge #260 and The Northern.
 - c. Jon Greenley Amvets Post #7 at Amvets and Hi-Ho Burgers & Brews.
 - d. ND Association for the Disabled, Inc. at Cowboy Jack's, Bulldog Tap, O'Kelly's and Shotgun Sally's Rock N Roll Saloon.
 - e. American Gold Gymnastics, Inc. at Sidestreet Grille & Pub and The Box.
 - f. Special Olympics ND at Rooters Bar.
- 2. Applications for Games of Chance:
 - a. FM AM Rotary for a sports pool from 9/14/20 to 2/7/21.
 - b. El Zagal Provost Unit for a sports pool from 9/13/20 to 12/31/20.
 - c. Essentia Health Fargo Foundation for a raffle board on 6/11/20.
- 3. Purchase Agreement with Peggy J. Barnum for property located at 775 Royal Oaks Drive North (Project No. FM-19-B).
- 4. Right of Way Use Agreement with Frank Leland Watkins for work at 1 8th Street South.
- 5. LOMR Payment Agreement to be used for future LOMR infrastructure requests incorporated into the City of Fargo Improvement Project.
- 6. Bid advertisement for Project No. BP-00-57.
- 7. Receive and file General Fund – Budget to Actual through April 2020 (unaudited).
- 8. 90-day extension of FMLA for Firefighter Nick Mitchell.

Service Agreement for Shelter Manager with the ND Department of Emergency Services and ND Department of Human Services.

10. DMF/Impact/Alex Stern Foundations Emergency Grant Agreement with the Gladys Ray Shelter.
11. Notice of Grant Award with the ND Department of Health for the Ryan White Part B Program (CFDA #93.917).
12. Set June 1, 2020 at 5:15 p.m. as the date and time for a hearing on a dangerous building at 114 15th Street South.
13. Bid award for the 2020/2021 highway deicing salt contract (RFP20080).
14. Bid award for one log loader (RFP20052).
15. Extend the Services Agreement Lawn Maintenance Services with Valley Green and Associates and Glacier Snow Management Company for the 2020 mowing season.
16. Contracts and bonds for heating pump replacement at the FARGODOME (RFP20081) and Wastewater Treatment Facility Phase IIB Expansion Project (AFB20036).
17. Bills.
18. Contract and bond for Improvement District No. NN-19-A1.
19. Contract Award to Apex Engineering for consulting services (Improvement District No. BR-22-A0).
20. Change Order No. 1 for an increase of \$23,638.00 for Improvement District No. BR-20-C0.
21. Change Order No. 1 for adjustments to the phasing sequence for Improvement District No. BR-20-C1.
22. Change Order No. 16 for an increase of \$13,996.56 for Improvement District No. BR-18-B1.
23. Memorandum of Offer to Landowner for Temporary Easement with Adam and Julie Hollingsworth for Improvement District No. BN-20-C1.
24. Bid award for Improvement District Nos. AN-19-J1, BN-20-E1, BN-20-F1, PN-20-A1 and SL-20-C1.
25. Create Improvement District Nos. BN-20-H and BN-20-K.

REGULAR AGENDA:

26. Presentation by Gate City Bank regarding the Neighborhood Revitalization Initiative (NRI) Program.
27. Presentation of the 2019 Fire Department Annual Report.

Public Hearings - 5:15 pm:

- a. CONTINUE to 6/1/20 – Application filed by Spirit Properties d/b/a Edgewood Tavern for a Class "FA-Golf" Alcoholic Beverage License at 19 Golf Course Avenue North; continued from the 4/20/20 Regular Meeting.
 - b. Application filed by Financial Business Systems, Inc. for a property tax exemption for a project located at 4601 33rd Avenue South, which the applicant will use in the operation of a software development company in the real estate industry.
 - c. Amendments to the 2019 Action Plan and Citizen Participation Plan/Community Development Block Grant (CBDG) and HOME Investment Partnerships Programs.
 - d. Renaissance Zone Project for Epic Gateway North Real Estate Holdings, LLC, for a new construction project located at 300 Main Avenue.
 - e. 701 Brew Addition (702 and 706 12th Street North; 701 University Drive North); approval recommended by the Planning Commission on 3/3/20:
 1. Zoning Change from MR-3, Multi-Dwelling Residential and DMU, Downtown Mixed Use to DMU, Downtown Mixed Use.
 2. 1st reading of rezoning Ordinance.
 3. Plat of 701 Brew Addition.
 - f. Golden Valley Third Addition (6737 25th Street South and 6907 26th Street South); approval recommended by the Planning Commission on 11/5/19:
 1. Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public and Institutional with a C-O, Conditional Overlay.
 2. 1st reading of rezoning Ordinance.
 3. Plat of Golden Valley Third Addition.
 - g. Hearing on a dangerous building located at 1007 8th Avenue North.
29. Recommendation for an interim policy on boulevard gardens.
 30. State Water Commission request for Cost Reimbursement for FM Diversion Flood Project Costs in the amount of \$1,432,479.03.
 31. Applications for property tax exemptions for improvements made to buildings:
 - a. Bradley and Ann Williams, 4336 Carrie Rose Lane South (3 year).
 - b. Kjera Properties I LLC, 1416 1st Avenue South (5 year).
 - c. Courtney and Kelly Schutt, 3413 Bohnet Boulevard North (5 year).
 - d. Guy Thomas Jr., 421 23rd Street South (5 year).
 32. Recommendation to approve the Agreement with the Fargo Municipal Airport Authority to extend the notice of termination date in the Memorandum of Understanding with the Fargo Municipal Airport Authority.
 33. Discussion regarding the Moratorium pertaining to the retail sale of alcoholic beverages.
 34. COVID-19 Update:
 - a. Health Update.
 - b. Red River Valley Taskforce Update.
 - c. CARES Act-Emergency Fund Relief Update.

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

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

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: NICOLE CRUTCHFIELD, PLANNING & DEVELOPMENT DIRECTOR *W. P. C. NC*

DATE: MAY 14, 2020

RE: GATE CITY BANK ANNOUNCES 2020 NRI PROGRAM FUNDING

At the May 18th City Commission meeting, Gate City Bank will provide a virtual presentation on the next round of funding for the Neighborhood Revitalization Initiative Program. Details about the program and information on how residents can apply are provided on the attached flyer and the City of Fargo's website at www.FargoND.gov/nri.

The Planning Department is proud to be part of the administration of this program. We see evidence every day on the benefits it provides to our residents as households diligently maintain and improve their homes.



Fargo Neighborhood Revitalization Initiative

- Rates as low as 2.59% APR*
- 10 year or 15 year options
- \$10,000-\$75,000

The Fargo Neighborhood Revitalization Initiative is established for City of Fargo homeowners to encourage the preservation of homes and add to the long-term value and life of their property and neighborhood. Gate City Bank is investing in this program by providing low-interest loans to eligible homeowners for qualified home improvement projects.

- Available to homeowners of an owner-occupied residence that is 40 years or older
- Assessed value must be less than \$250,000
- Requires automatic payment plan from Gate City Bank checking account
- Application must be received on or before October 31, 2020
- Subject to credit qualification and home evaluation

Contact the City of Fargo at 701-241-1474 or fargond.gov/nri for more information!



43 locations in 22 communities across
North Dakota and central Minnesota



*Terms and conditions may apply. A \$25,000 home equity loan at 2.25% interest rate for 120 monthly payments of \$232.84 will have an annual percentage rate of 2.59%

Member FDIC

CITY OF Fargo Fire Department

MEMORANDUM

27

TO: FARGO CITY COMMISSION

FROM: FIRE CHIEF STEVE DIRKSEN

DATE: 05/14/2020

SUBJECT: FIRE CHIEF REPORT TO COMMISSION ON 2019 STATISTICS

The Fire chief would like to provide a recap of the annual report to the Commission.

Recommended Action: Receive and file the Fire Department's Annual Report.



2019 Fargo Fire Department Annual Report





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Message from the Chief

On behalf of the men and women of the Fargo Fire Department (FFD), we are proud to present the 2019 FFD Annual Report. The FFD is committed to providing community risk reduction and all hazards emergency response to the 125,000 residents of Fargo and the numerous visitors to our community. It is our hope this report will provide you with information about how the FFD is a resource to help all members of our community.

You will note the complexity of today's fire service has drastically changed from just responding to the sound of a fire bell. The knowledge, skills, and abilities, as well as the mental and physical training required to ensure operational readiness in the form of professional service, risk reduction, rapid response, and compassionate care to the community is foremost on the department's list of priorities.

As Fargo continues to evolve and transform over time, your fire department has undergone changes as well. There is an ongoing effort to improve both the effectiveness and efficiency of our services through innovation and continual analysis of our outputs, outcomes, and impacts in all aspects of department operations. This analysis is completed through a newly implemented program appraisal process.

Our shared values are that the mission of service to the community always comes first and our employees are our most important resource. Our recruitment focuses on hiring candidates who possess the attributes and qualities stated in our department's mission statement and core values and who are the most qualified candidates who reflect those values and our mission. This past year we welcomed three new members to the FFD family. One of those three has the distinction of being the 500th career firefighter employed by the City of Fargo.

In 2019, the FFD was the only accredited, ISO Class 1 fire department in North Dakota. We are proud of this distinction. The members of the FFD spent the last six months of 2019 preparing documents for an accreditation site visit in the 2nd quarter of 2020. This process involves a self-assessment of over 260 Core Competencies and Performance Indicators established by the Commission on Fire Accreditation International (CFAI). CFAI has been in existence for 25 years and there are currently 283 CFAI accredited fire agencies around the world. The 2020 review will be the third time the FFD will have a peer review team come to Fargo to verify and validate the documents and programs of the FFD. This is a challenging process to undertake and maintain, but it provides a third party review to ensure that the FFD continues to deliver industry best practices and has plans and measures in place to ensure quality service delivery for years to come.

I trust you will find the report informative. The highlights in this report would not be possible without the efforts put forth each day by the 123 women and men who are dedicated to Professionalism, Responsibility, Integrity, Dependability, and Empathy.

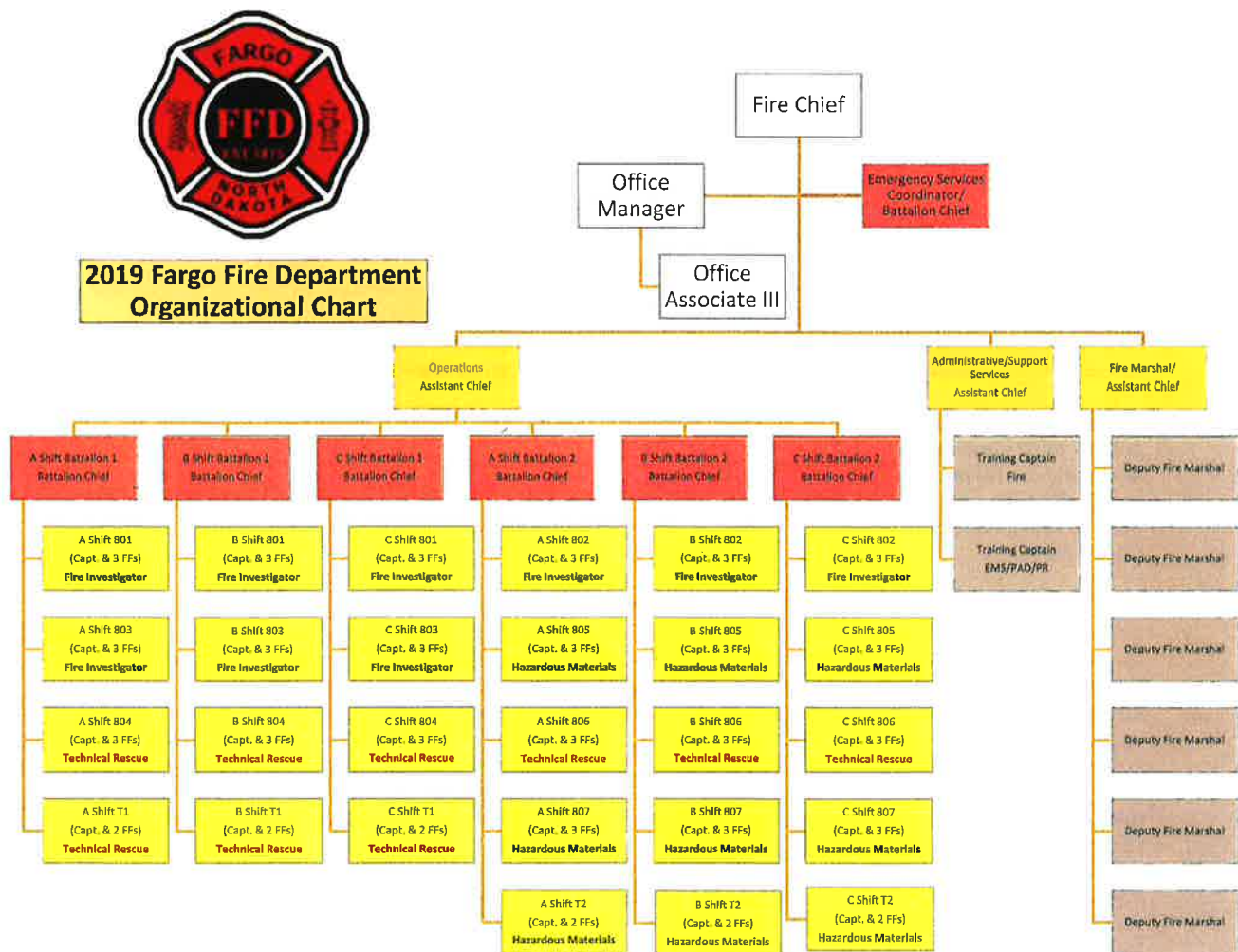
Thank you for the privilege and honor to serve our great community.

Steven J. Dirksen, Fire Chief





Organizational Chart





2019 New Hires



Brett Baune



Tylor Garding



Taylor Tollefson





2019 Promotions



Daniel Johnson
Fire Captain



Brett Bergh
Deputy Fire Marshal

2019 Retirement



Mike Seaberg, Firefighter
10 years of service



Planning Goal 1



Safeguard the community through proactive prevention, preparedness, and public education programs.

- Inspect 100% of all commercial property, hospitals, clinics, schools, nursing homes, and churches.
 - Inspections are conducted to determine compliance with the fire code. The fire prevention bureau along with suppression personnel inspect commercial and residential occupancies. In 2019, 5,599 businesses and 646 apartment buildings were inspected.

	Inspections	Inspections Completed			
	Assigned	Suppression	Bureau	Total	
Apartments	641	646	0	646	100.8%
Commercial	5574	4140	1459	5599	100.4%

- Provide education to special need organizations, as well as other groups.
 - The Fargo Fire Department is proud to be designated a "Built For Life" fire department by the Home Fire Sprinkler Coalition. We were able to upgrade the fire safety house to include educational information on home fire sprinklers through a grant provided by the Home Fire Sprinkler Coalition.
 - All seven FFD stations were available for the public to tour and visit during fire prevention week where citizens could learn about the 2019 campaign: "Not every hero wears a cape, plan and practice your escape"



Planning Goal 1



Safeguard the community through proactive prevention, preparedness, and public education programs.

- Complete plan reviews for all proposed construction to ensure compliance with the adopted International Fire Code
 - Acceptance tests and plan reviews of fire protection systems are conducted to ensure systems are installed properly and will be reliable. In 2019, 175 fire protection system plans were reviewed and approximately 250 acceptance tests were witnessed.
 - The inspections department launched a new permitting and plan review software system. The fire department was able to integrate many of our permits into this system. Citizens and contractors can now apply for permits online at Permits.FargoND.gov



Planning Goal 1



Safeguard the community through proactive prevention, preparedness, and public education programs.

- Present “Learn Not to Burn” program in all schools, grades K-2.
 - We continue to reach out to the children in the community through the “Learn Not to Burn” program. This year, over 5,300 children were taught “911”, “Two ways out,” and general fire safety. The engine and truck companies visited the schools in May to reinforce the safety messages and give the kids a chance to see the equipment up close and personal.
 - Our adult education system provided safety talks, presentations, and fire extinguisher training to over 2,300 individuals. The audience included apartment building managers, building safety professionals, and childcare providers.



Planning Goal 1



Safeguard the community through proactive prevention, preparedness, and public education programs.

- Investigate to determine origin and cause of all fires
 - Investigations are conducted to determine origin and cause of a fire. The results of the 2019 fire investigations are below. Cooking fires and smoking material fires are the most common cause of structure fires in the City of Fargo.

Types of Fires (Top three)	
Building fire	80
Passenger vehicle fire	52
Dumpster or other outside fire	28

Classification	Fires
Accidental	134
Incendiary	24
Natural	1
Undetermined	43
Total	202

Structure Fire Origin (Top three)	
Cooking area, kitchen	33
Exterior balcony, unenclosed porch	9
Vehicle Storage area, Garage	8

Structure Fire Cause - Heat Source (top four)	
Radiated, conducted heat from operating equipment	30
Smoking Materials	11
Electrical arcing	10
Heat from powered equipment	9



Planning Goal 1



Safeguard the community through proactive prevention, preparedness, and public education programs.

- Provide training and direction to the public, as requested, to support the Heart Safe Fargo program.
 - Continue utilizing PulsePoint to enable citizens to be notified and provide assistance (CPR) if a cardiac arrest occurs in a public location.

Number of followers of the FFD on PulsePoint.....**4438**

Number of individuals notified that CPR was needed in a public location.....**43**



- As part of the public access defibrillator program within the Fargo Fire Department, CPR classes using high quality mannequins were provided to several groups. These groups consisted of individuals from outside the city and from various city departments.

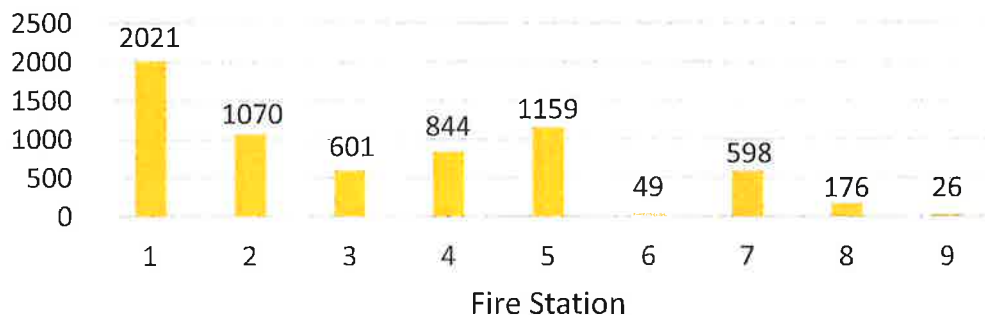


Planning Goal 2



Integrate our emergency medical response capability with other service providers to ensure that the needs of the customer are met.

- Meet the response time performance task as indicated in the Standard of Cover document.
 - In 2019, the FFD responded to 6,545 calls coded as EMS (57% of all responses for the year), an increase of 136 from 2018.
 - EMS calls per station/planning zone; planning zones 8 and 9 are covered by Stations 2 and 7 respectively.



- All suppression personnel are provided training to maintain biannual EMT certification requirements
 - All suppression personnel are required to maintain their certification as an EMT. An individual needs to recertify every two years, so each year, approximately half of the department recertifies to the NREMT standard.
 - Continuing EMS training is provided by a fire captain that works 40 hour weeks and provides consistent training to all fire personnel. This captain also maintains the training records and ensures that each person has sufficient individual training. Training includes hands on experience, distributive education through Target Solutions, and individual study.



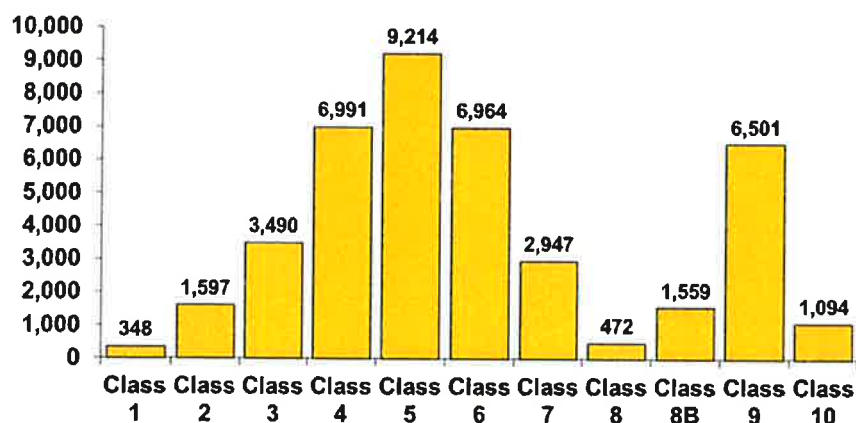
Planning Goal 3



Ensure systems and processes are in place to minimize the impact on life and property from fires, disasters, and other emergencies.

- The Fargo Fire Department was designated as an ISO Class 1 Community after its most recent Insurance Service Office (ISO) evaluation. The process is a comprehensive review of the fire department (50%), the water supply systems (40%), and the emergency communication systems (10%).
- With this rating, the City of Fargo is in the top ½ percent of all communities nationwide for their fire suppression delivery system. To put this into perspective - of approximately 48,855 fire departments in the U.S., as of 2019, only 348 have achieved the elite Class 1 designation. The Fargo Fire Department is one of only **94** fire departments nationwide that have achieved an ISO Class 1 designation as well as being Internationally Accredited.
- A rating of "1" indicates the highest level of fire protection, while a "10" shows an undeniable need for improvement in all areas of public protection. These ratings are then used by insurance companies to establish fair premiums for commercial and residential insurance.

Countrywide



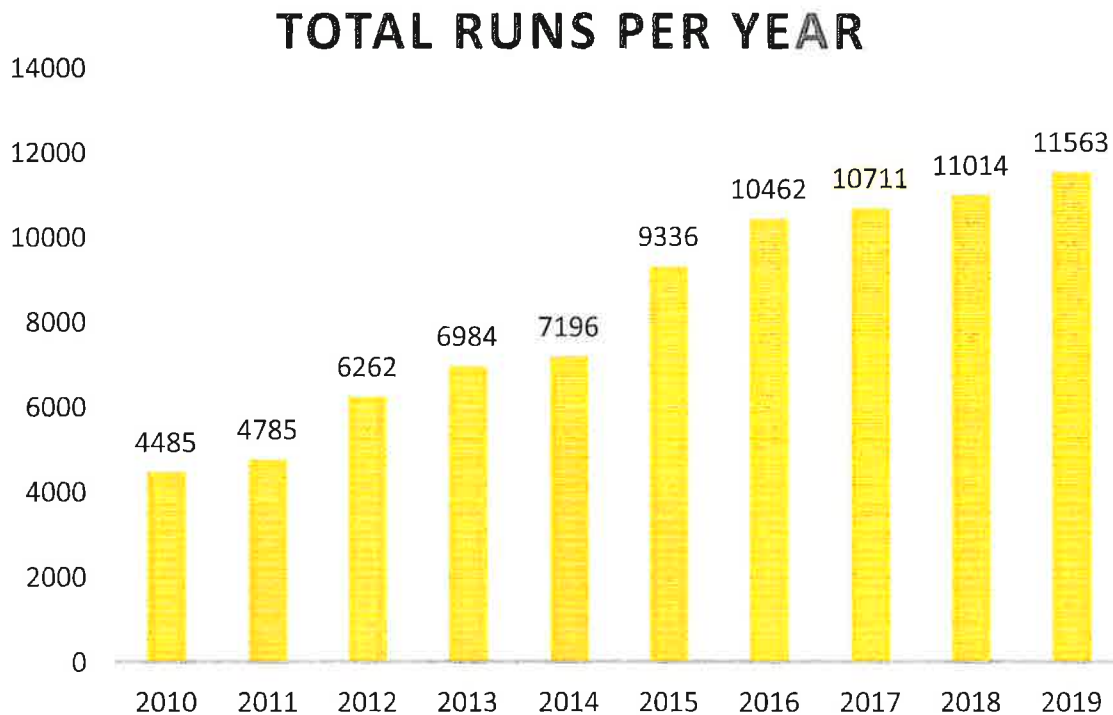
Planning Goal 3



Ensure systems and processes are in place to minimize the impact on life and property from fires, disasters, and other emergencies.

The number of calls for service for the FFD continues to increase. In 2019, the FFD's fire suppression division responded to a total of 11,563 calls for service. This includes mutual aid responses outside of the City of Fargo.

- 2010-2019 statistics are reflected below.

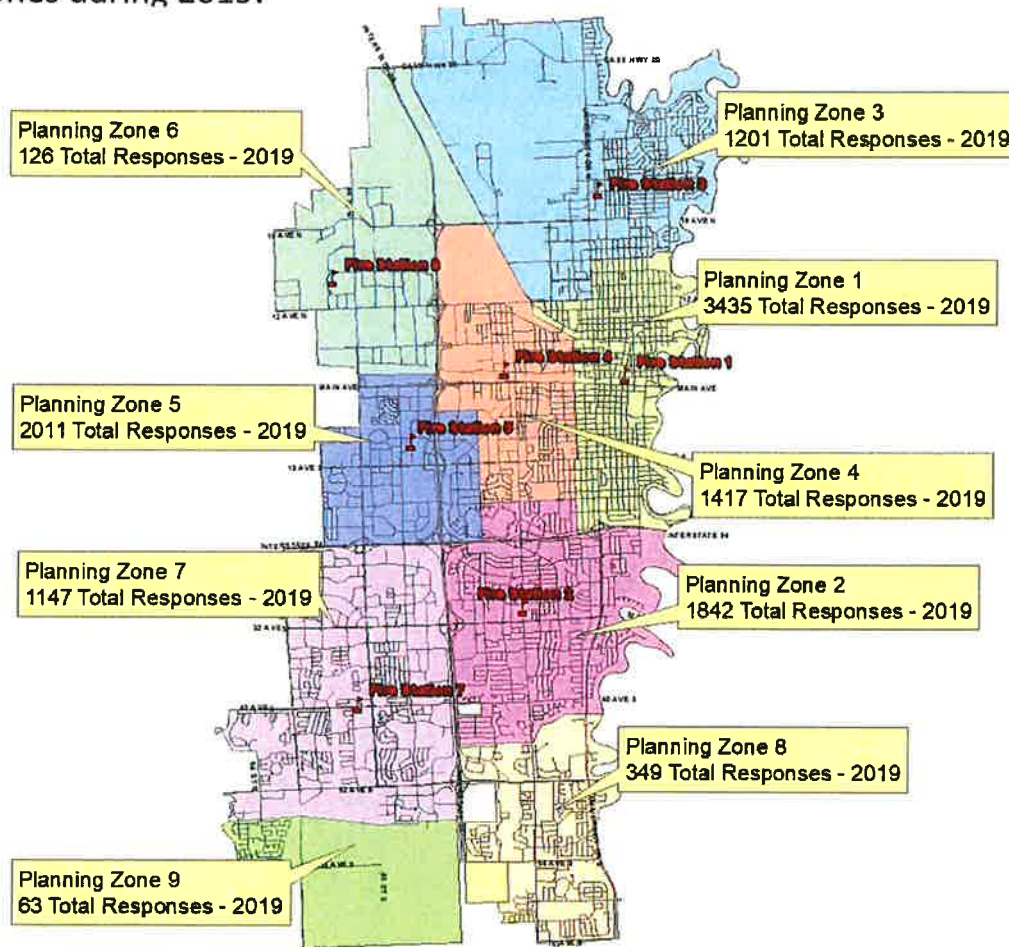


Planning Goal 3



Ensure systems and processes are in place to minimize the impact on life and property from fires, disasters, and other emergencies.

To monitor growth and emergency response within specific regions of the city, the FFD has created planning/response zones. The map below depicts the number of responses that occurred within each of these zones during 2019.



Planning Goal 3



Ensure systems and processes are in place to minimize the impact on life and property from fires, disasters, and other emergencies.

While there were 11,563 total calls that the FFD responded to in 2019, many of these calls required more than one fire apparatus to respond. These include incidents such as building fires or vehicle crashes.

- The table below depicts the **total** number of emergency responses made by each fire apparatus during 2019.

2019 Apparatus Total Responses

801	3,298
802	2,774
803	1,511
804	2,305
805	2,509
806	685
807	1,488
Truck 1	1,862
Truck 2	1,135
Batt 1	810
Batt 2	640

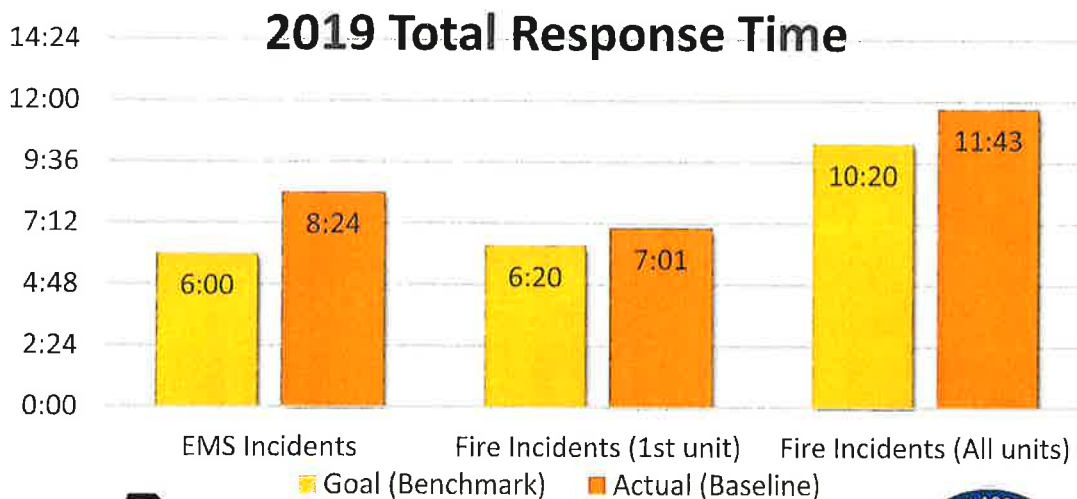


Planning Goal 3



Ensure systems and processes are in place to minimize the impact on life and property from fires, disasters, and other emergencies.

- The FFD strives to respond as quickly as possible to all incidents. As a guide for response time goals, the FFD follows the National Fire Protection Standard (NFPA) 1710, which provides a nationwide standard for all size departments and cities. Three components make up Total Response Time.
 - Alarm Handling Time – This is the time that the dispatch center takes to answer a 911 call and dispatch the appropriate fire department unit(s). The goal, or benchmark, for this time is one minute, 90% of the time.
 - Turnout Time – This is the time that it takes fire crews from when they are notified of a call to when the truck is moving out of the station. The goal for medical responses is one minute, 90% of the time. The goal for fire responses is 1:20, 90% of the time, due to the fact that the firefighters need to put on firefighting gear before getting in the truck.
 - Travel Time – This is the time that it takes fire crews to drive to the scene of the incident. The goal for travel time is 4:00, 90% of the time.
- These are goals that the FFD strives to meet. Although the standard is set very high from NFPA, FFD personnel continually look for ways to safely improve the Total Response Time.



Planning Goal 3



Ensure systems and processes are in place to minimize the impact on life and property from fires, disasters, and other emergencies.

- The FFD provides response for hazardous materials, technical rescue, and ice/water rescue incidents
- Provide emergency response to hazardous materials incidents with firefighters trained to the technician level.
 - The FFD has 30 individuals trained to the level of hazardous materials technician. The remaining members of the department are trained to the Awareness and Operations level.
 - Every month, one day per shift is dedicated to hazardous materials training for the members that are on the city and regional hazmat team.
 - Each monthly training session is led by a senior member of the hazmat team and includes hands on, written materials, and individual study through various sources. An annual plan is developed by the battalion chief and fire captain in charge of the program so that consistent training is received by all members of the team.

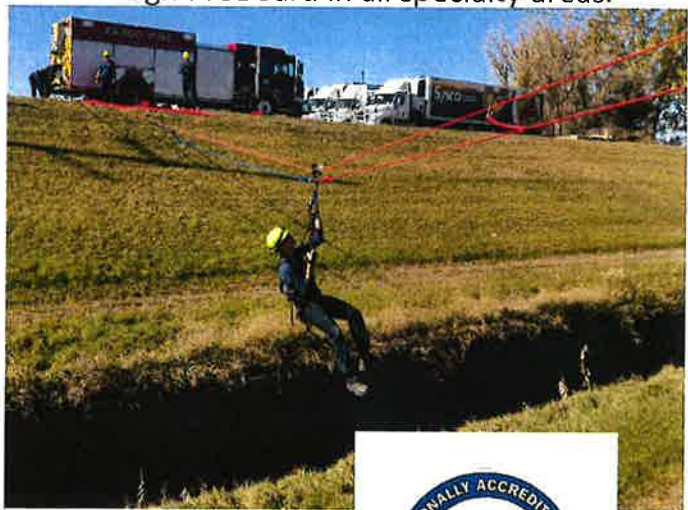


Planning Goal 3



Ensure systems and processes are in place to minimize the impact on life and property from fires, disasters, and other emergencies.

- The FFD provides response for hazardous materials, technical rescue, and ice/water rescue incidents
- Maintain a technical rescue team with specialized training in four core competencies.
 - The FFD has 30 individuals trained in four specialty areas of technical rescue. These areas include rope rescue, confined space, trench rescue and structural collapse.
 - Every month, one day per shift is dedicated to technical rescue team training for the members that are on the city and regional TRT team.
 - Each monthly training session is led by a senior member of the TRT team and includes hands on, written materials, and individual study from various sources. An annual plan is developed by the battalion chief and fire captain in charge of the program so that consistent training is received by all members of the team.
 - All TRT members pursue certification through ProBoard in all specialty areas.



Planning Goal 3



Ensure systems and processes are in place to minimize the impact on life and property from fires, disasters, and other emergencies.

- The FFD provides response for hazardous materials, technical rescue, and ice/water rescue incidents.
- The primary goal of the FFD's Water Rescue Team (WRT) is to respond to and manage water rescue emergencies within the city. The WRT focuses on training for responses to swift and ice water incidents, rescue boat operations, and underwater sonar searching. In addition to team training, the WRT provides training to all fire suppression crews to assist in preparing them for quick responses within their individual response zones.
- Currently the WRT is focusing on development standards to provide a foundation for future training and certification. The WRT meets quarterly to ensure equipment and training needs are being met and to ensure the team operations and preparedness meet the need for water rescue within the city.



Planning Goal 4



Recruit, develop, and retain the highest quality team members and implement a comprehensive training program that provides for continuous education and career preparation opportunities to all personnel.

In 2019, 3 new firefighters completed the department's 8-week recruit academy. During this academy, firefighters receive training on how to respond to incidents involving: fire, EMS, vehicle extrication and hazardous materials. Once a firefighter leaves the FFD academy, they are assigned to a fire suppression crew. They continue the training process at the crew level for a probationary period of one year.



Planning Goal 4



Recruit, develop, and retain the highest quality team members and implement a comprehensive training program that provides for continuous education and career preparation opportunities to all personnel.

- Encourage professional growth of officers and firefighters through attendance of educational opportunities.
 - The Fargo Fire Department encourages the professional growth of its officers and firefighters through local and national training opportunities. Members are encouraged to attend the National Fire Academy in Emmitsburg, MD. The NFA provides specialized training courses and advanced management programs on site or through local delivery. In 2019, the FFD hosted National Fire Academy local delivery classes. These NFA classes are designed to help our current and future officers with initial company operations and crew management. Selected individuals also attend the Fire Department Instructor's Conference (FDIC) in Indianapolis, IN. This conference brings the best instructors from around the country to one location and is the most attended firefighter training event in the country.
 - In addition, firefighters and officers attend conferences and classes when possible and often utilize online and in station training.
- The Fargo Fire Department will promote safety along with the health and wellness of employees by providing annual medical examinations for all uniformed employees.
 - The FFD provides an annual medical examination for all uniformed employees through the City of Fargo Employee Health office. This physical exam includes blood tests, hearing and vision exams, a lung function exam, EKG, and a physical exam.



Planning Goal 5



Maintain an organization that effectively administers, plans, and manages the physical resources of the department.

- To manage the department's physical resources, numerous daily, weekly, monthly, and yearly checks and evaluation processes are in place. For example, firefighters conduct daily checks on each department emergency response apparatus. Weekly and monthly evaluations are conducted on items such as fire station generators and all tools and equipment located on over 20 emergency response vehicles.



Planning Goal 5



Maintain an organization that effectively administers, plans, and manages the physical resources of the department.

- Eight members of the FFD have training in repair and testing of self-contained breathing apparatus (SCBA), the air packs worn during a fire. These individuals that are MSA Certified Airmask Repair Education (CARE) certified are capable of annual testing and repair of 80 MSA Firehawk M7 SCBA. Members are able to completely disassemble an air pack and replace parts on a needed basis.
- Approximately 107 recorded staff hours were spent on repair and testing in 2019.



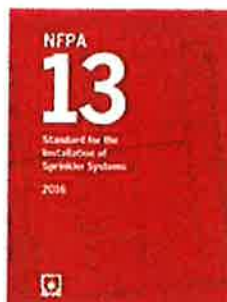
Planning Goal 6



The fire department will work to be dynamic and continually adjust to meet the changing fire problems, new technologies, new laws and regulations, and changes occurring in the community.

Monitor legislation that could affect the Fargo Fire Department, the City of Fargo and the fire service in North Dakota. The Fargo Fire Department continues to reduce risk through public education, fire prevention inspections, and fire investigations.

- The fire prevention bureau worked alongside the inspections department to present the 2018 ICC model codes to the board of appeals. This culminated in the City of Fargo adopting the 2018 International Fire Code alongside the other building and residential codes. Fargo has consistently adopted new versions of the ICC codes. Typically this is done every 3 years.

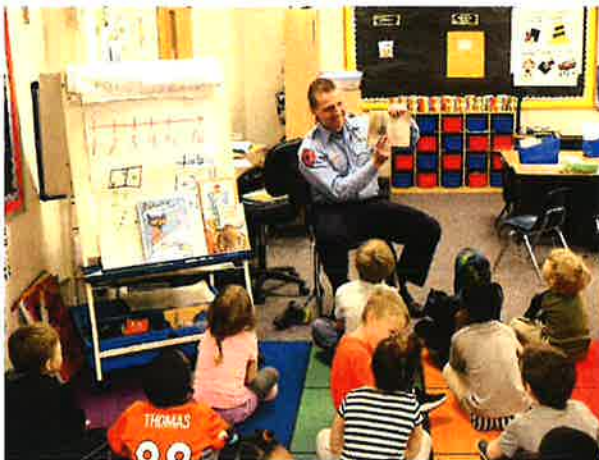


Planning Goal 6



The fire department will work to be dynamic and continually adjust to meet the changing fire problems, new technologies, new laws and regulations, and changes occurring in the community.

- The FFD will work to improve public confidence in the fire department through public relations.
 - The FFD continues to promote fire safety through community events, social media posting, station tours, public education, the Learn Not to Burn program, delivering educational materials to targeted care organizations, and participating in community events. The FFD began tracking all PR events during 2019. The FFD recorded more than 135 events and interacted with over 14,000 people.



Planning Goal 6



The fire department will work to be dynamic and continually adjust to meet the changing fire problems, new technologies, new laws and regulations, and changes occurring in the community.

- In an effort to stay current with new technology, the Fargo Fire Department continues to operate drones to assist in multiple areas. Six FAA certified FFD pilots continue to work as a part of the Red River Valley Unmanned Aircraft Systems group. Participants in the team include: Fargo Fire, Fargo Police, Cass County Sheriffs Office, West Fargo Fire and West Fargo Police.





Fargo Firefighters IAFF Local 642

In 2019, Local 642 members donated their time and money to various organizations and causes in the community.

- During the MDA Fill the Boot Campaign, members of Local 642 raised \$25,025. The MDA uses the money to send children diagnosed with muscular dystrophy to a weeklong summer camp free of charge. Every year, members of Local 642 deliver gifts to children in area hospitals that are unable to be home with their families on Christmas day. "Fire up the Kettles" raised \$24,000 for the Salvation Army during their Red Kettle Campaign.



CERTIFICATE OF COMPLETION

This is to certify that

Brett Bergh

has completed

Automatic Sprinkler System Design and Function

Presented By:



May 14, 2020

A handwritten signature in black ink, appearing to read "Gary S. Keith".

Gary Keith, Vice President
FM Global

A handwritten signature in black ink, appearing to read "Michael Spaziani".

Michael Spaziani, Assistant Vice President
FM Global

CITY OF
Fargo
ASSESSMENT DEPARTMENT

286

May 13, 2020

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Attached is a copy of an application made by Financial Business Systems, Inc. for a property tax exemption according to N.D.C.C. Chapter 40-57.1. This application is for a new building to be constructed for an expansion to their operation where the applicant will operate a software development company that manufactures software serving Multiple Listing Service organizations and real estate agents.

Notices to competitors have been published and the Tax Exempt Review Committee has met to consider this application. The application contains information regarding the projected value of the expansion, the nature of the jobs to be created, a description of a new product line, and certification that the applicant is a primary sector company.

The committee feels that this request does meet the necessary criteria to be eligible for this exemption for the project expansion defined as the difference in value between their existing building and the newly constructed building.

SUGGESTED MOTION:

Approval of a 5 year, 100% exemption on the project improvements for the expansion of Financial Business Systems, Inc. at 4601 33rd Ave. S.

Sincerely,



Ben Hushka

Tax Exempt Review Committee

Application For Property Tax Incentives For New or Expanding Businesses

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

RECEIVED

APR 17 2020

Project Operator's Application To City of Fargo
City or County

FARGO ASSESSOR

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>Financial Business Systems, Inc.</u>
2.	Address of project	<u>4601 33rd Ave. S.</u>
	City	<u>Fargo</u> County <u>Cass</u>
3.	Mailing address of project operator	<u>3415 39th St. S.</u>
	City	<u>Fargo</u> State <u>ND</u> Zip <u>58104</u>
4.	Type of ownership of project	
	<input type="checkbox"/> Partnership	<input checked="" type="checkbox"/> Subchapter S corporation
	<input type="checkbox"/> Corporation	<input type="checkbox"/> Cooperative
		<input type="checkbox"/> Individual proprietorship
		<input type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No.	<u>45-0346952</u>
6.	North Dakota Sales and Use Tax Permit No.	<u>103649 00</u>
7.	If a corporation, specify the state and date of incorporation	<u>North Dakota, May 1978</u>
8.	Name and title of individual to contact	<u>Joelle Staller</u>
	Mailing address	<u>3415 39th St. S.</u>
	City, State, Zip	<u>Fargo, ND 58104</u> Phone No. <u>701-235-7300 x145</u>

Project Operator's Application For Tax Incentives

9.	Indicate the tax incentives applied for and terms. Be specific.
	<input checked="" type="checkbox"/> Property Tax Exemption
	<u>5</u> Number of years
	<u>100</u> Percent of exemption
	<input type="checkbox"/> Payments In Lieu of Taxes
	<u> </u> Beginning year <u> </u> Ending year
	<u> </u> Amount of annual payments (attach schedule if payments will vary)
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

11. Legal description of project real property

Lot 4, Block 1, BLU Water Creek 5th Addition to the City of Fargo, Cass County, North Dakota

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 6/1/2020

b. Description of project to be constructed including size, type and quality of construction
18,561 SF, 2 Story, B Occupancy, Structural Steel columns/beams, wood framing

c. Projected number of construction employees during the project construction 40

14. Approximate date of commencement of this project's operations 6/1/21

15. Estimated market value of the property used for this project:

a. Land \$ 640,000

b. Existing buildings and structures for which an exemption is claimed \$ 0

c. Newly constructed buildings and structures when completed \$ 3,800,000

d. Total \$ 4,440,000

e. Machinery and equipment \$ 0

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 \$ 0

c. Newly constructed buildings and structures when completed \$ 3,800,000

d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ 3,800,000

e. Enter the consolidated mill rate for the appropriate taxing district 292.44

f. Annual amount of the tax exemption (Line d multiplied by line e) \$ 55,563.00

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).

FBS is a software development company in the real estate verticle. Our product/brand is Flexmls, which is used by Realtors to enter listings, search for properties for sale, manage contacts, created market analysis documents, and much more. We license our product to over 150 Multiple Listing Service organizations, who in turn license our product to 250,000 real estate agents across the United States, including our local MLS, The Fargo Moorhead Association of Realtors.

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

We are not a heavy machinery and equipment shop. Our equipment is housed in a data center in Fargo, Consolidated Communications. We will have a server room in the building, which will house several servers, and a telephone system.

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	23,500,000	25,200,000	27,200,000	29,400,000	31,700,000
Annual expense	22,700,000	23,950,000	25,000,000	26,800,000	28,800,000
Net income	800,000	1,250,000	2,200,000	2,600,000	2,900,000

21. Projected number and salary of persons to be employed by the project for the first five years:

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
128						3

Year	(Before project)	Year 1	Year 2	Year 3	Year 4	Year 5
No. of Employees	(1) 124	128	131	136	141	146
	(2) 4	3	3	3	3	3
Estimated payroll	(1) 9,155,000	9,770,000	10,411,200	11,242,500	12,113,600	12,842,000
	(2) 45,000	36,000	37,000	38,000	39,000	40,000

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

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).
- ~~FBS built with Gast Construction in 2006 and received a tax abatement. Our current building is located at 3415~~
~~39th St S, Fargo, ND 58104.~~

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
- _____
- _____
- Percentage of Gross Revenue Received Where Underlying Business Has ANY Local Competition %

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, Joelle Staller, 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.

7CFD31CC9872435... Signature

CFO

Title

4/17/2020

Date

New Product Addendum

Although FBS is a 40+ year young Fargo company, we are getting ready to launch a new product within our suite of software. We will soon be launching a product called FloPlan. The premise behind the product is this: we believe all home listings in the US should have floor plan attached to the digital listing. It is currently common to see a floor plan when you purchase a new home, but when house hunting, it is very difficult to understand the flow of a home by looking at photographs. Photos are very important, but photos plus a floor plan makes for a comprehensive digital vision of properties listed for sale.

Floor plans are currently available, but often times it requires special camera equipment and a broad understanding of the equipment and software, it is also very expensive (competitor in this space- Matterport). We are partnering with a company for the technology to lower the barriers and make it easy to scan a home with a smart phone. It takes roughly 10-15 minutes to scan, is submitted to be created, and returned to the Realtor or photographer in roughly 24 hours. The completed scan can then be uploaded into the listing and marketed to the public.

The marketing website for our new product is www.floplan.io. At the end of this document is an example of the output, again, created with a smart phone in just a few minutes. This product will be launching in July in our local Fargo market through the FM Association of Realtors as an early adaptor launch partner.

We anticipate adding staff at a rate of 3-5 employees per year to support the growth from this new product and also support our existing software products. Our current AVERAGE pay per employee at FBS is \$89,500, we pride ourselves in hiring quality employees who fit in our culture of being a 100% employee owned company.



SIZES AND DIMENSIONS ARE APPROXIMATE. ACTUAL MAY VARY

FlōPlan



April 21, 2020

Joelle Staller
Financial Business Systems Inc
PO Box 3163
Fargo, ND 58108

Dear Joelle:

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, **Financial Business Systems 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 4/21/2024).

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

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: TIA BRASETH, COMMUNITY DEVELOPMENT PLANNING COORDINATOR

DATE: MAY 14, 2020 *per TB*

RE: PUBLIC HEARING & APPROVAL OF PROPOSED AMENDMENTS TO
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/HOME 2019 ACTION
PLAN & CITIZEN PARTICIPATION PLAN

The Department of Planning & Development is considering COVID-related amendments to its 2019 Action Plan, previously approved by City Commission on June 17, 2019, and its Citizen Participation Plan. An additional allocation of funding has been released for COVID-related response as part of the CARES Act and must be included in the plan. The City Commission is asked to hold a public hearing and then approve the following Community Development Block Grant (CDBG)/HOME actions:

1. Allocation Increase – Amend into 2019 Annual Action Plan – CDBG CV1

Adding \$464,253 to 2019 Annual Action Plan Resources to support COVID-related response and prevention efforts as part of the CARES Act.

2. Add Activity to 2019 Action Plan – Temporary Rental Assistance – \$464,253 CDBG COVID1 granted to the State of North Dakota to assist Fargo residents through its North Dakota COVID-19 Emergency Rent Bridge program or other similar program.

More information about this program can be found at <http://www.nd.gov/dhs/info/covid-19/rent-bridge.html>.

3. Citizen Participation Plan – COVID-related Amendments – Amend to temporarily reduce public comment periods to 5 days instead of 30, utilize virtual meetings as needed, and submit to HUD the Consolidated Annual Performance and Evaluation Report no later than 180 Days after end of program year.

Available online at www.fargond.gov. Type "Citizen Participation Plan" in City's search engine. Also available by email request at Planning@FargoND.gov.

The proposed amendments are in compliance with federal regulations for the Department of Housing and Urban Development (HUD) CDBG and HOME programs. Each proposed amendment is detailed in the attached public notice, which was published in the May 13, 2020 Forum newspaper. Once approved, the amendment will be submitted to HUD for approval.

Recommended Motion: Approve proposed amendments to Community Development Block Grant (CDBG)/HOME 2019 Action Plan and Citizen Participation Plan.



**Notice of Public Hearing & Public Comment Period
Amendments to 2019 Action Plan & Citizen Participation Plan
Community Development Block Grant (CDBG)
& HOME Investment Partnerships Programs**

The City of Fargo is considering COVID-related amendments to its 2019 Action Plan, previously approved by City Commission on June 17, 2019, and its Citizen Participation Plan. An additional allocation of funding has been released for COVID-related response as part of the CARES Act and must be included in the plan. These proposed amendments are considered substantial amendments and must go through a citizen participation process. The details and timeline for this process are outlined below. Upon City Commission action on May 18, 2020, a recommendation regarding these amendments will be forwarded to HUD for their consideration and approval.

5-Day Public Comment Period: May 14, 2020 through May 18, 2020

Send written comments or phone: City of Fargo
Planning and Development Department
Attn: Community Development Planning Coordinator
225 4th Street North, Fargo ND 58102
701.476.4144

Electronic Comments: Planning@FargoND.gov

Public Hearing: Monday, May 18, 2020 - 5:15 p.m.
Fargo City Commission Chambers
225 4th Street North, Fargo ND 58102

Final City Commission Consideration: Monday, May 18, 2020

Summary of Proposed Amendments:

1. Allocation Increase – Amend into 2019 Annual Action Plan – CDBG CV1

Adding \$464,253 to 2019 Annual Action Plan Resources to support COVID-related response and prevention efforts as part of the CARES Act.

2. Add Activity to 2019 Action Plan – Temporary Rental Assistance – \$464,253 CDBG COVID1 granted to the State of North Dakota to assist Fargo residents through its North Dakota COVID-19 Emergency Rent Bridge program or other similar program.

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Available online at www.fargond.gov. Type "Citizen Participation Plan" in City's search engine. Also available by email request at Planning@FargoND.gov.

Comments & Suggestions

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

The City of Fargo, in an effort to exercise the Centers for Disease Control and Prevention guidelines pertaining to social distancing and gatherings, is encouraging all stakeholders in the Community Development Block Grant and HOME Programs to participate in the public comment period remotely. Comments submitted by email or telephone are preferred. Email: Planning@FargoND.gov, Telephone: 701-476-4144.

City Hall Commission Chambers are accessible and can accommodate persons with disabilities. Alternative formats of this information or reasonable accommodations for persons with hearing loss, vision loss, disabilities or limited English proficiency,

including the availability of interpretation and translation services, will be made upon request (48 hours notice is required). Anyone who requires these services or an auxiliary aid to fully participate should contact the Planning and Development Department at 701.241.1474/ Planning@FargoND.gov, or the City of Fargo's Section 504/ADA Coordinator Brock Morrison at 701.298.6966 to arrange for services. To access TDD/Relay service dial 701.241.8258. In accordance with Federal regulations and City of Fargo policies, the City of Fargo provides services without regard to race, color, national origin, sex, disability, age, familial status, religion, marital status, veteran status, sexual orientation, gender identity, public assistance, domestic violence, lawful activity, or condition protected by applicable federal and state laws. The City is an equal employment/equal housing opportunity agency.

**RESOLUTION APPROVING
AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG)/HOME 2019 ACTION PLAN AND CITIZEN PARTICIPATION PLAN**

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

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

WHEREAS, in compliance with federal regulations, the City of Fargo has amended its CDBG/HOME 2019 Action Plan to make available housing and community development resources that primarily address the needs of low to moderate income persons in Fargo; and

WHEREAS, in compliance with federal regulations, the City of Fargo has amended its Citizen Participation Plan; and

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

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

CERTIFICATE

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

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

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

DO HEREBY CERTIFY:

That the foregoing is a full, true and correct copy of the original Resolution, and the whole thereof approving the amendments to the City of Fargo's 2019 Action Plan and Citizen Participation Plan for the Community Development Block Grant (CDBG) & HOME programs as described in the foregoing Resolution; which Resolution was duly adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held May 18, 2020 at which Regular Meeting all members present voted in favor of the adoption of the Resolution; and

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

(SEAL)

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

ATTEST:

Steven Sprague, City Auditor


On this ____ day of _____, 2020, before me, _____, a Notary Public in and for Cass County, in the State of North Dakota, personally appeared Timothy J. Mahoney, known to me to be the Mayor of the City of Fargo, North Dakota, and Steven Sprague, City Auditor of the City of Fargo, a municipal corporation under the laws of the State of North Dakota, and they acknowledged to me that they executed the foregoing instrument.

Notary Public, Cass County, North Dakota

zsd

MEMORANDUM

TO: City Commission

FROM: Mark Williams, Assistant Planning Director 

DATE: May 14, 2020

RE: Renaissance Zone Application for 295-F Epic Gateway North Real Estate Holdings, LLC located at 300 Main Ave

The city received a Renaissance Zone (RZ) application from Epic Gateway North Real Estate Holdings to rehabilitate the existing building at 300 Main Ave. The request was reviewed by the Renaissance Zone Authority (RZA) on April 22, 2020.

The City of Fargo received a Renaissance Zone application from Epic Gateway North Real Estate Holdings, LLC to construct a mixed-use commercial and residential building at 300 Main Avenue. Pursuant to the application, the intent of the project is to transform the former Gateway Mall surface parking lots into a 5-story, 86,932 square foot building with underground parking, 16,711 square feet of ground floor commercial, and over 50 units of apartments.

Attached is a copy of the staff report and corresponding materials.

As indicated in the attached documentation, the project met all state and local requirements for approval and is consistent with a number of goals and objectives as established in the Fargo Renaissance Zone Development Plan. The application indicates an investment of nearly [Investment Amount] which exceeds the minimum investment threshold as set forth in the plan.

The RZA unanimously recommended approval of this project.

Recommended Action: Approve the Renaissance Zone rehabilitation application for Epic Gateway North Real Estate Holdings and grant state income tax and property tax exemptions as recommended by the Renaissance Zone Authority.



**Renaissance Zone Staff Report for
Epic Gateway North Real Estate Holdings, LLC (295-F)
300 Main Avenue**

Project Evaluation:

The City of Fargo received a Renaissance Zone application from Epic Gateway North Real Estate Holdings, LLC to construct a mixed-use commercial and residential building at 300 Main Avenue. Pursuant to the application, the intent of the project is to transform the former Gateway Mall surface parking lots into a 5-story, 86,932 square foot building with underground parking, 16,711 square feet of ground floor commercial, and over 50 units of apartments.

The construction would begin summer of 2020 and the proposed timeframe of opening in fall of 2021.

The Planning Department has reviewed the application and has provided a project ranking based on the analysis below:

1. **Renaissance Zone Plan Goals:** Use consistent with the RZ Plan (as per Visions and Goals): As noted in the 2019 Renaissance Zone Development Plan. (*information in item 1 are response from applicant*)
 - a. *Grow as a Neighborhood:* Invest in housing to increase the population living Downtown and maintain Downtown's diversity.
Gateway North building will provide a variety of units ranging from one bed to two story two bedroom units (over 50 units). These will be a variety of prices, offering opportunities for different income levels to live in the downtown Fargo area. People bring people so the mixed-use concept will create a sense of walkability and opportunity for additional foot traffic in this area. It increases the living downtown by providing another option for people to live along with grasping all the current audiences and tenants that live and play in the downtown Fargo area now.
 - b. *Prosper as a Business Center:* Increase the number and types of jobs Downtown.
This mixed-use building will have approximately 16,700 sf of commercial space providing opportunities for additional businesses (restaurants, retail, office and work share areas) to be in the downtown area as well as offer employment for people in the area and could have approximately 100+ employees that would be working in the downtown area every day, let alone have the option to live above their workplace.
 - c. *Thrive as a Destination:* Create a unique Downtown experience with an activated riverfront and vibrant sidewalks and public spaces that serve as the backdrop of the community's social life.
Downtown Fargo is currently a destination location with events that take place during the week and weekends attracting all people to the area. This project will enhance the look and feel of the current Main Avenue in a space that has been a parking lot since 1970, creating vibrant sidewalks with easy walkability and activating the riverfront and Island Park where families are well entertained. We want to ensure the landscape, look and feel is similar to what the downtown area has found to be successful with additional business and tenants. The more activity and public spaces we can create, the better we are creating this mixed-use community for all to enjoy.
 - d. *Be a model for Inclusive Growth and Development:* Protect Downtown's diversity and evolve as a model for equitable growth and development.
We have experience with mixed-use buildings, it seems that this has brought a diverse audience and mix of commercial and residential tenants. The tenants like the live, work, play mentality. This model has proved to work creating equitable growth and continuing to support the model that has been working for the downtown Fargo area. With our ability to control rates we will be one of the few new buildings downtown that can be available to all different economic levels. We want to do what's best for the area and continue the development style that creates equitable growth.
 - e. *Complete our Streets:* Make complete streets common place and encourage trips by foot, bicycle, and bus, as well as car.

One of our main goals is providing underground parking to ensure that tenants have a place to park their cars and then get out and walk, bike, or bus. We want them to have the ability and freedom to hardly have to start their car and use public transportation, foot traffic and more to support the downtown businesses. We provide bike racks, sidewalk, and extensions of the sidewalks, customer serve type businesses and more to support this idea. We want to increase the productivity of the area by providing multiple services for our diverse target audience. With this currently being a parking lot, we believe this project will transform this area.

- f. *Park Smart:* Manage parking resources to meet the needs of drivers, while also making room for new development and activity.

We will manage the parking by providing underground parking with hopes to build a parking ramp as an additional phase in the project. The goal would be to take the underutilized space and maximize it the best way we know how and that's to build vertical buildings that provide a better quality of life. We want to keep increasing activity and provide a very active area where young adults, families and seniors feel comfortable coming to spend the day.

- g. *Play with purpose:* Develop a system of connected all-season green spaces designed for people (of a range of ages and interests) and purpose (as infrastructure that absorbs stormwater).

We are working with the City of Fargo and Fargo Housing Authority to ensure we will have adequate green spaces that connect all the spaces together and provide a variety of activities for all ages. We will host activities such as farmers markets, work out classes, game days, family fun nights, and more that continue to drive activity to the area. The mixed-use infrastructure that we will create will be focused on providing the shelter for these green spaces along with protection from the outdoor elements and Mother Nature. The infrastructure is important to enhance the sustainability of the area. Another important part of our green space is embracing the art community and allowing for opportunities of public art to be displayed in these areas.

(20/20 points)

2. **Investment Thresholds:** Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in this RZ Plan?

According to the application, the structure accommodates 86,932 square feet, as follows:

- *Proposed Building Total:* approximately 86,932 SF
- *Commercial:* approximately 16,711 SF
- *Residential:* approximately 53,392 SF
- *Parking:* approximately 16,829SF

Overall, the application estimates a total capital investment of \$9,945,806, which calculates to approximately \$114.00 per square foot.

(10/10 points)

3. **High Priority Land Use:** The new construction or proposed improvements are representative of "High Priority Land Uses" as defined by this RZ Plan (page 9).

- a. **Primary Sector Business:**
N/A

- b. **Active Commercial, Specialty Retail or Destination Commercial:**
The proposed mixed-use project will have active commercial/retail storefronts in Fargo's downtown core and increase activity on an underutilized block.

- c. **Mixed Use Development:**
The proposed uses will include commercial/retail, residential units (multi-dwelling apartments), and underground parking in one building structure.

(18/20 points)

4. **Targeted Areas:** Is the investment located in a “Targeted Area” as defined by this RZ Plan? Consideration shall be given to whether this property has been vacant or underutilized for a period of time and/or whether the property is specifically targeted for clearance.

- a. Parcels that have been vacant or underutilized for an extended period of time:
This site contains a single story strip mall and surface parking lot for many years.
- b. Parcels specifically targeted for clearance:
The RZ Plan identifies Block 29 for: residential/mixed use building

(10/10 points)

5. **Urban Design:** Is the project representative of strong urban design principles?

The project does embody strong urban design principles. The building will be placed close to Main Avenue and will allow for pedestrians to walk directly into the commercial spaces from the sidewalk. The building consists of a variety of materials as well as projections and recessions which creates architectural interest. The project is located within the DMU, Downtown-Mixed Use, Zoning district and will have to meet the architectural intent of that zoning district as well.

(10/10 points)

6. **Investment Analysis:** Consideration and analysis as to the total actual investment.

As proposed, the redevelopment project and improvement costs significantly exceed both the 50% (true and full value of the building) and \$100 per square foot requirement. As previously noted, the application represents a total estimated investment of \$9,945,806.

(10/10 points)

7. **Business Relocation:** Consideration as to whether the project will include or accommodate the relocation of a business from another North Dakota community?

The project does not involve the movement or relocation of a business from another North Dakota community.

(10/10 points)

8. **Street Activation:** Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective?

Main Avenue was recently reconstructed to be more pedestrian friendly as well as slowing vehicular traffic. This project will help to promote the walkable feel that the reconstruction promotes by includes greenspace along Main Ave and the building varies in materials and projections and recessions. The applicant has also stated that the project will provide a range of activities that will also connect to the green space to the east.

(10/10 points)

Summary:

This application received a score of 98 on a 100-point scale. The applicant met all required criteria and the use is consistent with the RZ Plan. In addition, the proposed new construction project surpasses the local capital improvement requirement of \$40 per square foot for a commercial rehab and \$100 per square foot for new construction.

This project is consistent with the RZ Plan to provide a mixed-use development within a target area that acts as an activity generator by providing for residential units and street-level retail activity.

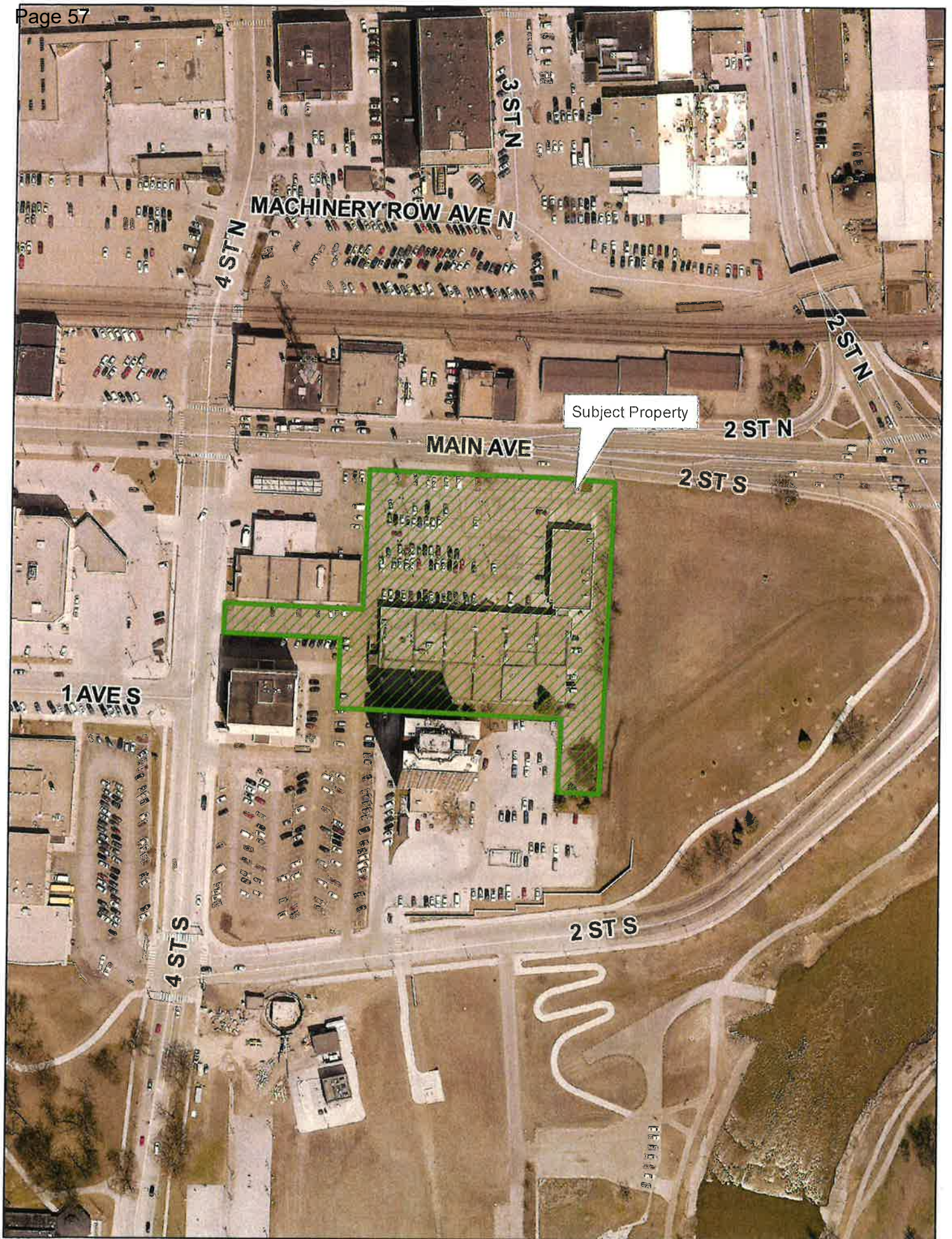
The amount invested in the project exceeds state and local guidelines. The project does not involve the relocation of commercial businesses from another North Dakota city. The applicant will not be seeking any historic preservation tax credits.

This project will make use of a lot that is currently underutilized. Staff believes that this project will be a benefit to the downtown community and will positively contribute to the health of surrounding businesses.

Suggested motion:

Recommend approval to the Fargo City Commission to approve the application submitted by Epic Gateway North Real Estate Holdings, LLC and to grant the property tax exemption and the State income tax exemptions as allowed by the ND Renaissance Zone law contingent upon completion of the project and verification of costs.

Minimum Criteria (New Construction Proposals)			
Criteria:		Staff Rating	Possible Points
1	Use consistent with the plan (as per Vision and Goals)	20	20
2	Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in the RZ Plan?	10	10
3	<p>The new construction or proposed improvements are representative of “High Priority Land Uses” as defined in the RZ Plan:</p> <ul style="list-style-type: none"> • Primary sector business • Active Commercial, Specialty Retail and/or Destination Commercial • Mixed use development (combination of housing, commercial, and/or retail uses in a horizontal or vertical fashion) • Large, upscale residential units 	18	20
4	<p>The investment is located in a ‘Target Area’ as defined by the RZ Plan:</p> <ul style="list-style-type: none"> • Parcels that have been vacant or underutilized for an extended period of time • Parcels specifically targeted for clearance 	10	10
5	Is the project representative of strong urban design principles?	10	10
6	<p>Consideration as to whether the project will include or accommodate the relocation of a business from another North Dakota community:</p> <ul style="list-style-type: none"> • Commercial tenants that are re-locating within the Downtown Area (as defined by the 1996 Downtown Area Plan) are not eligible for tax incentives without special approval from the Zone Authority • Commercial tenants that are relocating from a North Dakota community (other than Fargo) to the Fargo Renaissance Zone are not eligible for tax incentives without special approval from the Zone Authority. 	10	10
7	Consideration and analysis as to the total actual investment in the project: Consideration can be given for the level of capital investment in a project. (i.e., additional consideration can be given for higher levels of investment)	10	10
8	Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective?	10	10
Total Rating (100 possible points)		98	100





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

APPLICATION FOR RENAISSANCE ZONE PROJECT

Property owners, business owners, developers or investors interested in pursuing a Renaissance Zone project should review the *Renaissance Zone Plan*. The Renaissance Zone Plan delineates the current geographical boundaries of the program (only certain blocks within the downtown core are included) and provides additional detail on minimum investment requirements and applicable program goals and objectives that must be met.

Application submitted for (check all that apply):

- ☒ New Construction
 ☐ Commercial Lease
☐ Purchase with Major Improvements
 ☐ Rehabilitation: ☐ Commercial ☐ Residential
☐ Primary Residential Purchase
 ☐ Block Addition

Property Owner Information
Name (printed): EPIC Gateway North Real Estate Holdings, LLC
Name (printed):
Address: 745 31st Ave E Ste 105
West Fargo ND 58078

Contact Person Information (if different than owner)
Name (printed): Brian Kounovsky 701-361-5948
Address: Same

Parcel Information
Address: 300 Main Ave Fargo ND 58103
Unit Number:
Renaissance Zone Block Number: 29
Legal Description (attach separate sheet if more space is needed): See attached
Parcel Number: 01-2112-00041-000 current large main lot that will be subdivided

Is this property listed on or a contributing structure to the National Register of Historic Places? ☐ Yes ☒ No
 Do you intend to apply for a Historic Preservation Tax Credit in conjunction with this project? ☐ Yes ☒ No

Project Information	
Total Project Cost: (Qualified Capital Improvements) 9,945,806	
Current Use of Property: Parking Lot	
Anticipated Use Upon Completion: Multi Use Building: Commercial on Main Floor and Residential above	
Expected Date of Purchase: 5/15/2020	Expected Date of Occupancy: 09/2021
Estimated Property Tax Benefit: (Over five year exemption period) 145,427	Estimated State Income Tax Benefit: (Over five year exemption period) *
Current Employees: (Full-time equivalent) 0	Anticipated Employees: (Full-time equivalent) 44.8

Scope of Work

To build on the existing parking lot at 300 Main ave. known as the Gateway Mall:
 A five story mixed use building, consisting of 86,932 Total square feet. Underground Parking consisting of 16,829 square feet. Precast concrete main floor commercial of 16,771 square feet and four floors of residential living with the finishes and attention to detail that EPIC Companies is known for. (See Attached Exhibit)

Additional Project Information

New Construction/Rehabilitation/Purchase with Improvements Only

Current Building Value: (Taxable Improvement Value) \$0	Estimated Building Value Upon Completion: (Taxable Improvement Value) \$9,945,806
Building Area Upon Completion (SF): 84,932sf	Number of Stories Upon Completion: 5

Commercial Lease Only

Lease Area Upon Completion (SF): 16,771

Type of Business: Restaurant, Office and Retail

☐ New business moving to the Renaissance Zone

☐ Expanding Business moving to the Renaissance Zone

☐ Existing Business Expanding within the Renaissance Zone

☐ Continuation of a lease moving from one Renaissance Zone Project to another Renaissance Zone Project

Residential Purchase Only

Will this be your primary place of Residency?: NO

Acknowledgement – We hereby acknowledge that we have familiarized ourselves with the rules and regulations to the preparation of this submittal and that the forgoing information is true and complete to the best of our knowledge.

Owner (Signature): _____	Date: _____
Joint Owner (Signature): _____	Date: _____
Representative (Signature): <u><i>Ben Wang</i></u>	Date: <u>4-27-20</u>

CONFIDENTIAL INFORMATION

This application is an open record under NDCC 44-04 and will be available to the public for review. Telephone numbers and e-mail that are provided to the Planning and Development Department for the purpose of communicating with an applicant are exempt from this requirement and are considered to be confidential/non-public information.

This portion of the application must be completed, but it will be kept separate from the rest of the application and the contact information contained herein will not be available to the public for review.

Applicant

Name: EPIC Gateway North Real Estate Holdings, LLC

Daytime Phone Number: 701-361-5948 Email: briank@epiccompaniesnd.com

Contact Person/Representative (If Different than Applicant)

Name: Brian Kounovsky

Daytime Phone Number: 701-361-5948 Email: _____

Goals of the Fargo Renaissance Zone Plan

Is the proposed use of the project consistent with the RZ Plan? As noted in the Renaissance Zone Development Plan the desired land use will contribute to a number of goals:

1. *Grow as a Neighborhood.* How will this project invest in housing to increase the population living Downtown and maintain Downtown's diversity?

Gateway North building will provide a variety of units ranging from one bed to two-story two bedroom units. (over 50 units) These will be a variety of prices, offering opportunities for different income levels to live in the downtown Fargo area. People bring people so the mixed-use concept will create a sense of walk-ability and opportunity for additional foot traffic in this area. It increases the living downtown by providing another option for people to live along with grasping all the current audiences and tenants that live and play in the downtown Fargo area now. (see exhibit)

2. *Prosper as a Business Center.* How will this project increase the number and type of jobs Downtown (or accessible from Downtown)?

This mixed-use building will have approximately 16,700 SF of commercial space providing opportunities for additional businesses (Restaurants, Retail, Office, and Work Share Areas) to be in the downtown area as well as offer employment for people in the area and could have approximately 100+ employees that would be working in the downtown area everyday, let alone have the option to live above their workplace.

3. *Thrive as a Destination.* How will this project create a unique Downtown experience with an activated riverfront and vibrant sidewalks and public spaces that serve as the backdrop to the community's social life?

Downtown Fargo is currently a destination location with events that take place during the week and weekends attracting all people to the area. This project will enhance the look and feel of the current Main Avenue in a space that has been a parking lot since 1970, creating vibrant sidewalks with easy walk-ability and activating a the riverfront and Island Park where families are well entertained. We want to ensure the landscape, look and feel is similar to what the downtown area has found to be successful with additional businesses and tenants. The more activity and public spaces we can create, the better we are creating this mixed-use community for all to enjoy.

4. *Be a Model for Inclusive Growth and Development.* How will this project protect Downtown's diversity and evolve as a model for equitable growth and development?

We have experience with mixed-use buildings and (with our previous projects this has brought) it seems that this has brought a diverse audience and mix of commercial & residential tenants. They (gravitate towards the) like the live, work, play mentality. This model has proved to work creating equitable growth and continuing to support the model that has been working for the downtown Fargo area. With our ability to control rates we will be one of the few new buildings downtown that can be available to all different economic levels. We want to do what's best for the area and continue the development style that creates equitable growth.

5. *Complete our Streets.* How will this project make complete streets common place and encourage trips by foot, bicycle, and bus, as well as car?

One of our main goals is providing underground parking to ensure that tenants have a place to park their cars and then get out and walk, bike, or bus. We want them to have the ability and freedom to hardly have to start their car and use public transport, foot traffic, and more to support the downtown businesses. We provide bike racks, sidewalk, extensions of the sidewalks, customer serve type businesses and more to support this idea. We want to increase the productivity of the area by providing multiple services for our diverse target audience.

>>With this currently being a parking lot, we believe this project will transform this area.

6. *Park Smart.* How will this project manage parking resources to meet the needs of drivers, while also making room for new development and activity?

We will manage the parking by providing underground parking with hopes to build a parking ramp as an additional phase in the project. The goal would be to take the underutilized space and maximize it the best way we know how and that's to build vertical buildings that provide a better quality of life. We want to keep increasing activity and provide a very active area where young adults, families, and seniors feel comfortable coming to spend the the day.

7. *Play with Purpose.* Will this project develop a system of connected all-season green spaces designed for people (of a range of ages and interests) and purpose (as infrastructure that absorbs stormwater)?

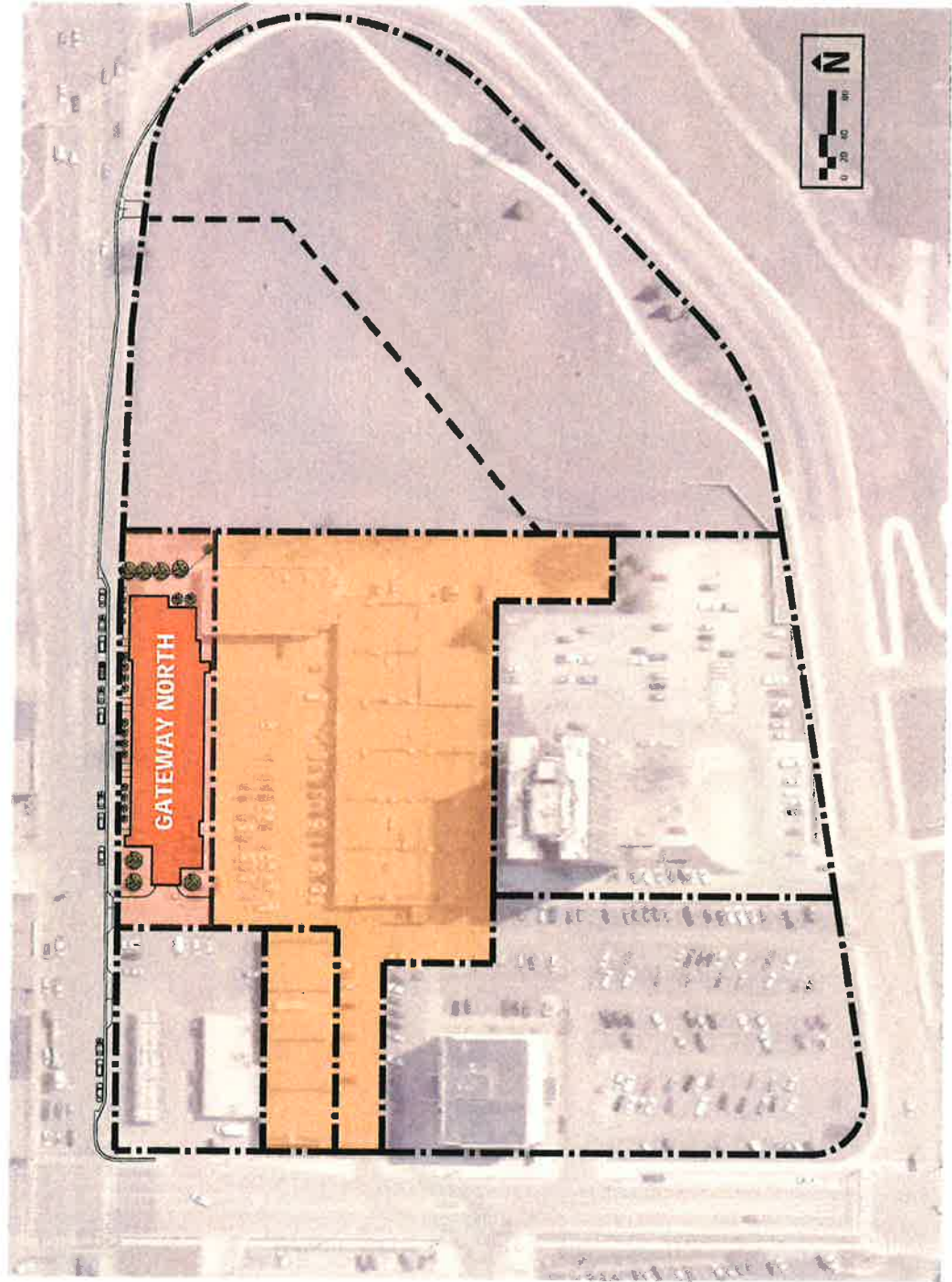
We are working with the City of Fargo and Fargo Housing Authority to ensure we will have adequate green spaces that connect all the spaces together and provide a variety of activities for all ages. We will host activities such as farmer's markets, work out classes, game days, family fun nights, and more that continue to drive activity to the area. The mixed-use infrastructure that we will create will be focused on providing the shelter for these green spaces along with protection from the outdoor elements and mother nature. The infrastructure is important to enhance the sustainability of the area. Another important part of our green spaces is embracing the art community and allowing for opportunities of public art to be displayed in these areas.

Lot 1 Block 1 Epic Gateway Addition

That part of Lot 1, Block 4, NORTH DAKOTA R2 URBAN RENEWAL ADDITION, according to the recorded plat thereof, City of Fargo, Cass County, North Dakota lying northerly of a line described as follows:

Commencing at the northwest corner of said Lot 1 which is common to the northeast corner of Lot 5, Block 4 of said addition; thence on an assumed bearing of South 02 degrees 25 minutes 50 seconds West on the west line of said Lot 1, a distance of 89.73 feet and the point of beginning; thence South 87 degrees 33 minutes 10 seconds East, a distance of 356.72 feet to a point of intersection with the east line of said Lot 1 and said line there terminating.

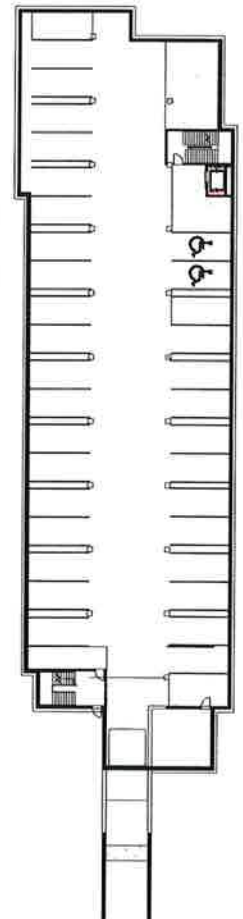
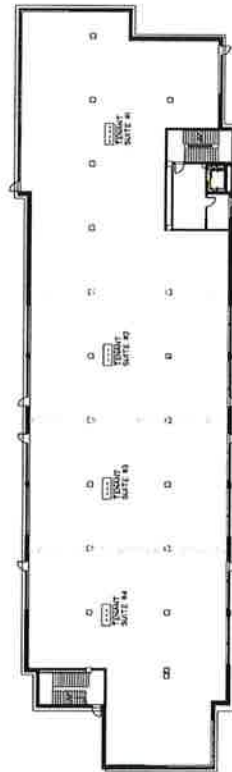
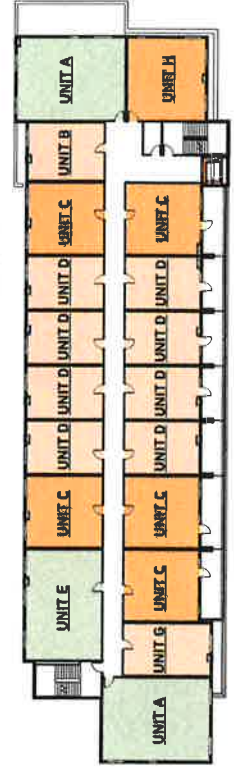
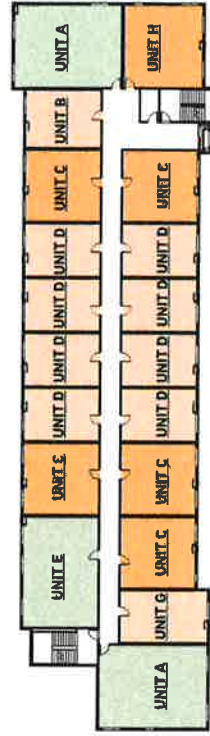
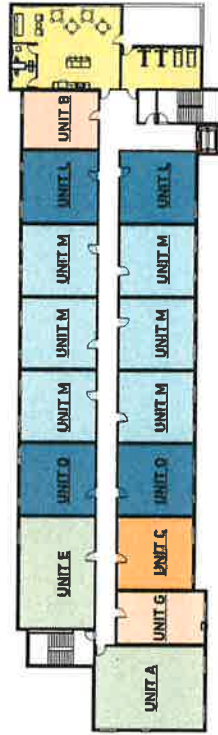
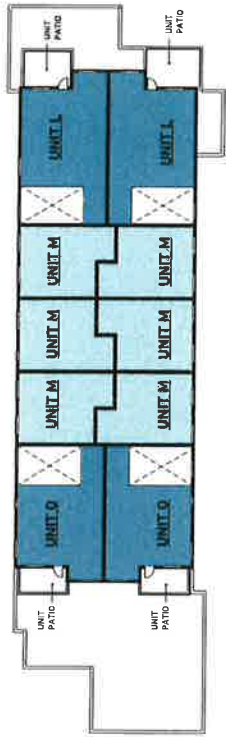
Said tract contains 31,929 square feet, more or less.





UNIT TYPES

	STUDIO
	1 BED / 1 BATH
	2 BED / 2 BATH / 1 STORY
	2 BED / 1.5 BATH / 2 STORY
	2 BED / 2.5 BATH / 2 STORY
	COMMUNITY



EPIC MANAGEMENT
GATEWAY NORTH
PHASE 02

OVERALL FLOOR PLANS - REFERENCE & USE

Project No. 13-008
Date: 12/08/20

A3.00

City of Fargo Staff Report			
Title:	701 Brew Addition	Date:	02/25/2020
		Update:	05/13/2020
Location:	701 University Drive North and 702 and 706 12th Street North	Staff Contact:	Kylie Bagley
Legal Description:	Lot 1 and the east ½ of Lot 2, Block 7 Harwoods Addition		
Owner(s)/Applicant:	Chris Hawley Architects	Engineer:	Mead and Hunt
Entitlements Requested:	Minor Subdivision (Replat of Lot 1 and the east ½ of Lot 2, Block 7 Harwoods Addition) and Zoning Change (from DMU, Downtown Mixed-Use and MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use)		
Status:	City Commission Public Hearing: May 18, 2020		

Existing	Proposed
Land Use: Commercial and Vacant	Land Use: Commercial
Zoning: DMU, Downtown Mixed-Use and MR-3, Multi-Dwelling Residential	Zoning: DMU, Downtown Mixed-Use
Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events. MR-3 – Multi-Dwelling Residential detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.
Maximum Building Coverage Allowed: No maximum in DMU MR-3 allows a maximum of 24 units per acre	Maximum Building Coverage Allowed: No maximum in DMU

Proposal:

The applicant is seeking approval of a minor subdivision titled *701 Brew Addition* and a zoning change. The minor subdivision will replat Lot 1 and the east ½ of Lot 2, Block 7, Harwood addition into a one lot one, block minor subdivision. The zoning change is from DMU, Downtown Mixed-Use and MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use on the proposed 701 Brew Addition.

701 Brew Addition will be home to 701 Brew Restaurant which was permitted in 2019 and is located on 701 University Drive N and 702 12th Street North. The property owners have recently acquired the property located at 706 12th Street North. The owners will use the vacant property located at 706 12th Street North as a way to provide additional parking for the restaurant.

The applicant is proposing a one lot minor subdivision, which will combine all three existing lots into one, in order to have the restaurant and the parking lot on one parcel. Currently the parcels are zoned DMU and MR-3, as part of this plat the owner will rezone the MR-3 lot to DMU giving the proposed 701 Brew Addition one zoning district.

Surrounding Land Uses and Zoning Districts:

- North: SR-3, Single-Dwelling Residential and MR-3, Multi-Dwelling Residential with single family and apartment use;
- East: Across 12th Street North, MR-3, Multi-Dwelling Residential with single family;
- West: Across University Street North, GC, General Commercial with retail use;
- South: Across 7th Avenue North, DMU, Downtown Mixed-Use with park district land.

Area Plans:

The subject property is located within the Roosevelt Neighborhood Plan. The area is deemed appropriate for Commercial with Residential uses.

-  Commercial with Res
-  High Density Res
-  Low Density Res
-  Medium Density Res
-  Mixed Density Res
-  Park/Open Space
-  Public
-  Res with Commercial

**Schools and Parks:**

Schools: The subject properties are located within the Fargo School District and are served by Roosevelt Elementary, Ben Franklin Middle and North High schools.

Parks: Johnson Soccer Complex (1420 11th Avenue N) is located approximately 1/4 mile northwest of the subject property and offers multipurpose field, picnic table, playground, restrooms, shelter, and soccer amenities.

Pedestrian / Bicycle: On road bike facilities are located along University Drive North. These facilities are a component of the metro area trail system.

Neighborhood: The subject property is located within the Roosevelt Neighborhood.

Staff Analysis:**Zoning**

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

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

Staff is unaware of any zoning map error in regard to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant has a clear picture of the type of development for the property. The DMU allows for flexibility in development but requires design standards.

(Criteria Satisfied)

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

The development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. It should be noted that the Engineering Department has concerns with the existing storm water policy that provides an exemption to DMU zoned properties.

(Criteria Satisfied)

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

Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zone change is in keeping with adopted plans approved via public process. In addition, written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any verbal concerns or written comments regarding the proposed overlay zoning change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal is consistent with the purposes of the LDC, the Growth Plan, Roosevelt Neighborhood Plan and other adopted policies of the City.

(Criteria Satisfied)

Minor Subdivision

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

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

The subdivision is intended to replat the subject properties into one lot to accommodate future commercial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

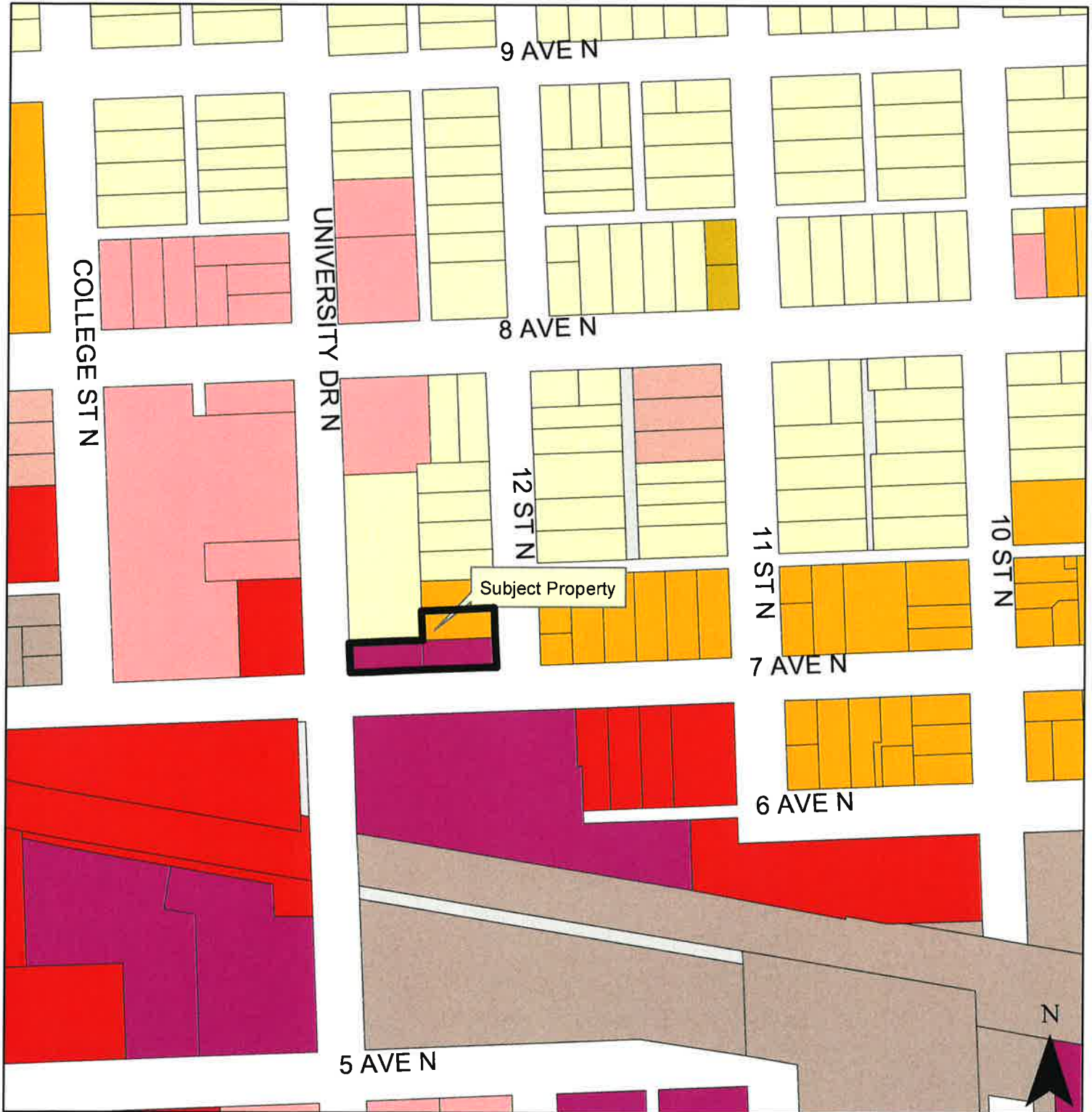
(Criteria Satisfied)

Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move to approve the 1) zoning change from DMU, Downtown Mixed-Use and MR-3, Multi-Dwelling Residential, to DMU, Downtown Mixed-Use, and 2) a plat of the 701 Brew Addition on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Roosevelt Neighborhood Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."
Planning Commission Recommendation:
On March 3, 2020, with a 9-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed 1) zoning change from DMU, Downtown Mixed-Use and MR-3, Multi-Dwelling Residential, to DMU, Downtown Mixed-Use, and 2) a plat of the 701 Brew Addition on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Roosevelt Neighborhood Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Plat

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

701 Brew Addition

701 University Dr N
702 & 706 12th St N



Legend

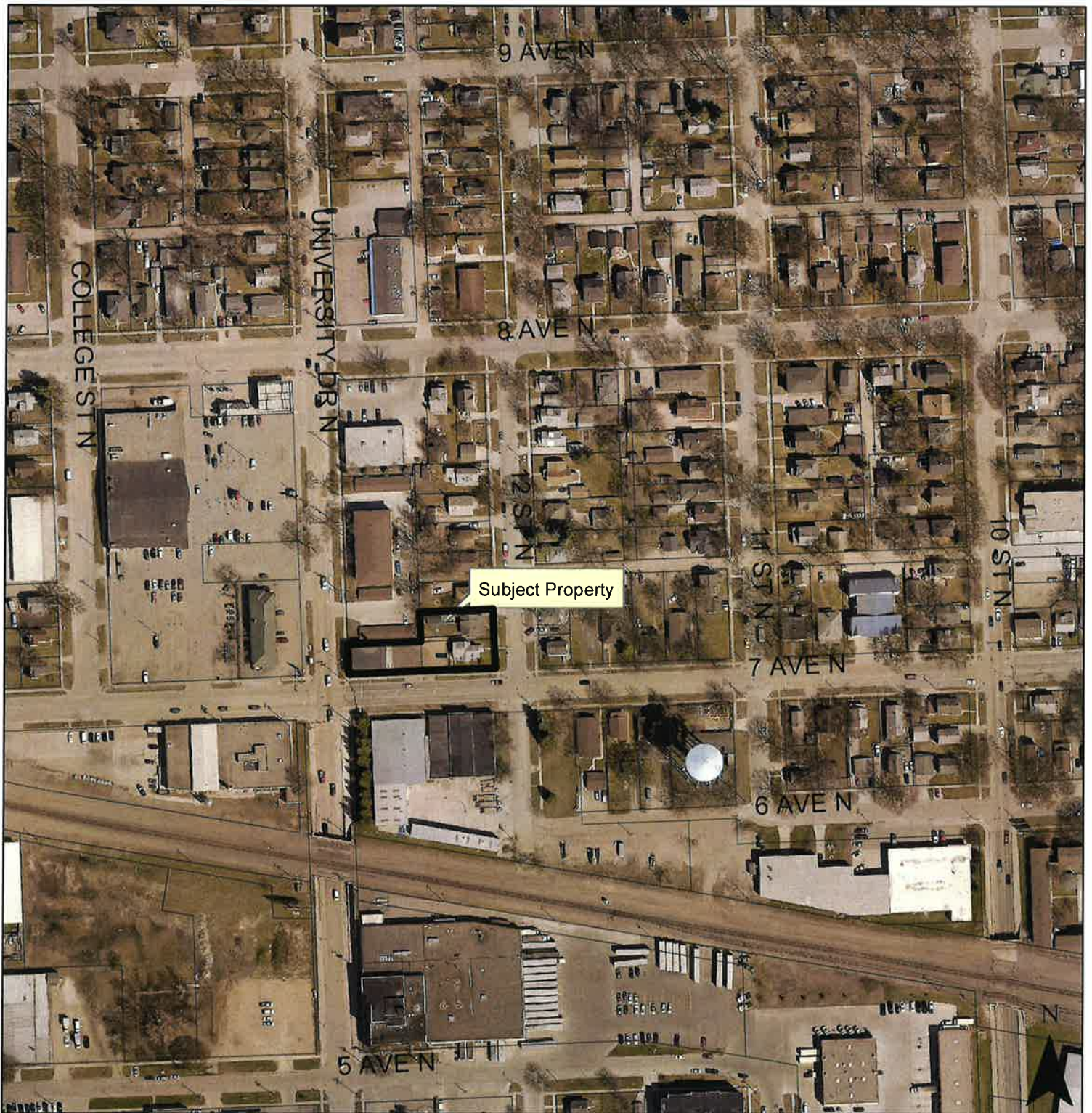
AG	DMU	GO	LC	MHP	MR-1	MR-2	MR-3	NC	NCO	P	UML	S	City Limits
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200
Feet

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

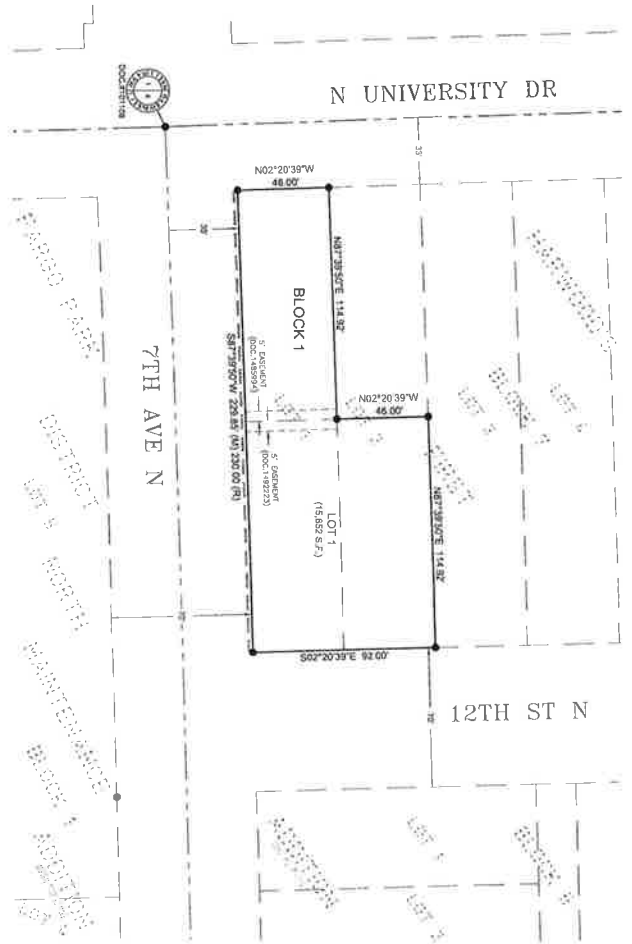
701 Brew Addition

701 University Dr N
702 & 706 12th St N



701 BREW ADDITION

REPLAT OF LOT 1 AND PART OF LOT 2, BLOCK 7, HARWOOD'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



- LEGEND**
- MONUMENT IN PLACE
 - SET MONUMENT (SEE REBAR CAPED PLAS 27782)
 - MEASURED BEARING & DISTANCE
 - RECORDED BEARING & DISTANCE
 - LOT AREA (SQUARE FEET)
 - EXISTING LOT LINE
 - EXISTING EASEMENT LINE
 - SECTION LINE
 - QUARTER LINE
 - PLAN BOUNDARY
 - NEW EASEMENT LINE
 - NEGATIVE ACCESS EASEMENT
- 0 30 50
FOOT
SCALE
ORIENTED BY CITY OF FARGO GROUND
SYSTEM

- NOTES**
- GROUND DISTANCES ARE SHOWN AND ARE INTENS OF U.S. SURVEY FEET.
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF 7TH AVE N, IS AN EASEMENT LOCATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT PROVIDES DIRECT VEHICULAR ACCESS TO A STREET OR HIGHWAY FROM ANY LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COINCIDENT WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

OWNER'S CERTIFICATE:

I, 701 Brew, LLC, the owner of a lot or lots located in the City of Fargo, North Dakota, do hereby certify that the above described plat is a true and correct representation of the actual survey and that the same has been approved by the City of Fargo, North Dakota, and that the same is a true and correct representation of the actual survey and that the same has been approved by the City of Fargo, North Dakota.

Owner: 701 Brew, LLC
State of North Dakota
County of Cass

On this 20 day of July, 2020, before me, the undersigned authority, known to me to be the person who is executing the same, and who executed the same in and to the knowledge of the said holder, executed the same on behalf of 701 Brew, LLC.

MORTGAGEE:

State of North Dakota
County of Cass

On this 20 day of July, 2020, before me, the undersigned authority, known to me to be the person who is executing the same, and who executed the same in and to the knowledge of the said holder, executed the same on behalf of 701 Brew, LLC.

SURVEYOR'S CERTIFICATE AND APPROVAL:

I, Tracy J. Murphy, Surveyor, do hereby certify that the above described plat is a true and correct representation of the actual survey and that the same has been approved by the City of Fargo, North Dakota, and that the same is a true and correct representation of the actual survey and that the same has been approved by the City of Fargo, North Dakota.

Dated this 20 day of July, 2020.

Surveyor: Tracy J. Murphy
State of North Dakota
County of Cass

On this 20 day of July, 2020, before me, the undersigned authority, known to me to be the person who is executing the same, and who executed the same in and to the knowledge of the said holder, executed the same on behalf of 701 Brew, LLC.

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this 20 day of July, 2020.

Surveyor: Tracy J. Murphy
State of North Dakota
County of Cass

FARGO PLANNING COMMISSION APPROVAL:

Approved by the Fargo Planning Commission this 20 day of July, 2020.

Surveyor: Tracy J. Murphy
State of North Dakota
County of Cass

FARGO CITY COMMISSION APPROVAL:

Approved by the Fargo City Commission and ordered that this 20 day of July, 2020.

Surveyor: Tracy J. Murphy
State of North Dakota
County of Cass

Mead & Hunt
Phone: 701-555-5450
mead@mh.com
PROJECT NO.
428870D-18138.01
SHEET 1 OF 1

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

28e2

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN THE PROPOSED 701 BREW 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 701 Brew Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on March 3, 2020; and,

WHEREAS, the rezoning changes were approved by the City Commission on May 18, 2020,

NOW, THEREFORE,

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

Section 1. The following described property:

The East One-Half (1/2) of Lot Two (2), Block Seven (7) of the proposed 701 Brew Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "MR-3", Multi-Residential, District to "DMU", Downtown Mixed Use, District;

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

(SEAL)

Attest:

Timothy J. Mahoney, Mayor

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

28f

City of Fargo Staff Report			
Title:	Golden Valley Third Addition	Date: Updated:	10/31/19 5/13/20
Location:	6737 25th Street South; 6907 26th Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 1, Block 4, Golden Valley 2 nd Addition and portion of the northeast quarter of Sec. 11, Township 138 North, Range 49 West, to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Ryland Development Corporation / Jon Youness	Engineer:	Mead and Hunt
Entitlements Requested:	Major Subdivision (Plat of Golden Valley Third Addition replat of Lot 1, Block 4, Golden Valley 2 nd Addition and plat of a portion of the northeast quarter of Sec. 11, Township 138 North, Range 49 West, to the City of Fargo, Cass County, North Dakota) and Zoning Change (from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public and Institutional, with a C-O, Conditional Overlay to restrict land uses as noted below)		
Status:	City Commission Public Hearing: May 18, 2010		

Existing	Proposed
Land Use: Undeveloped	Land Use: Residential
Zoning: AG, Agricultural	Zoning: SR-4, Single-Dwelling Residential; P/I, Public and Institutional
Uses Allowed: AG – Agricultural allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: SR-4 - Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities; P/I Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events; with a C-O, conditional overlay to restrict uses as shown
Maximum Density Allowed: AG allows a maximum of 1 dwelling unit per 10 acres	Maximum Density Allowed: SR-4 allows a maximum 12.1 units per acre; P/I zone has no density or lot coverage standards

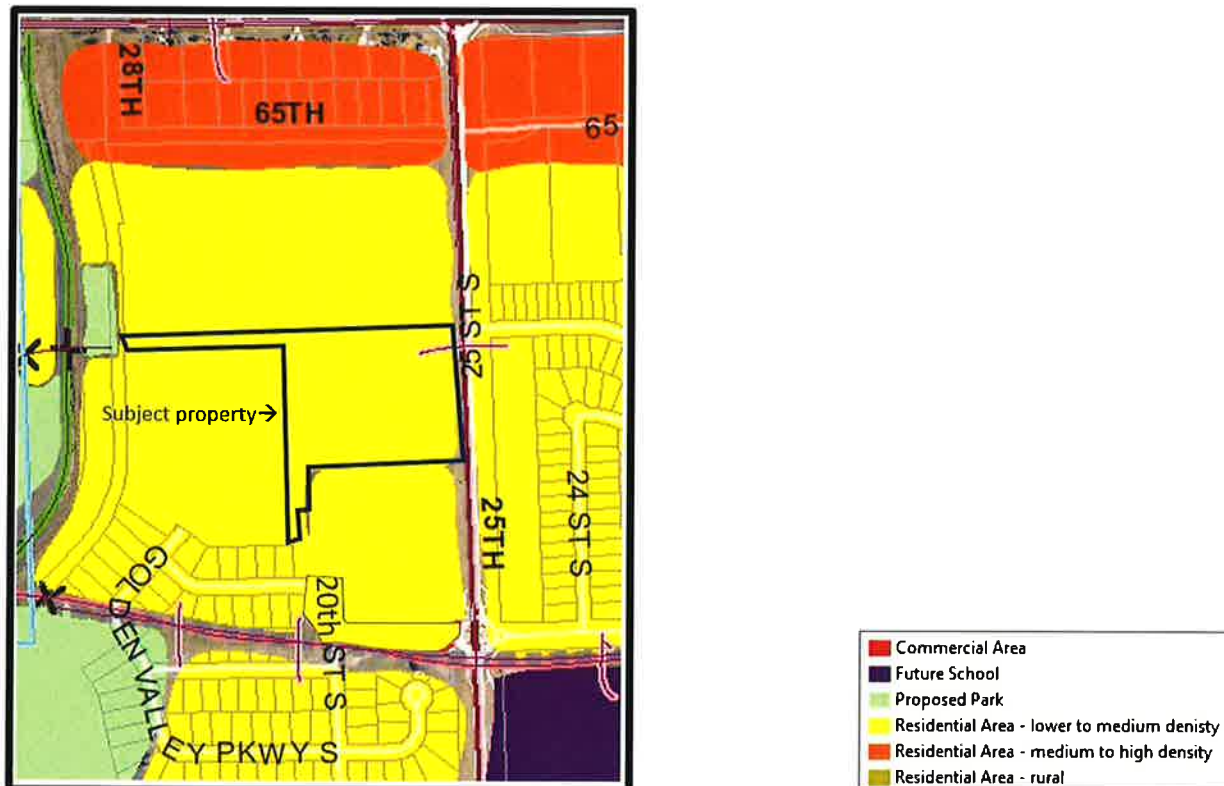
Proposal:
The applicant requests two entitlements: <ol style="list-style-type: none"> 1. A major subdivision, entitled Golden Valley Third Addition, which is a replat of Lot 1, Block 4, Golden Valley 2nd Addition and plat of a portion of the northeast quarter of Sec. 11, Township 138 North, Range 49 West, to the City of Fargo, Cass County, North Dakota 2. A zoning change from AG, Agricultural to SR-4, Single-Dwelling Residential and to P/I, Public and Institutional with a C-O, conditional overlay to restrict uses to "park and open space."

Surrounding Land Uses and Zoning Districts:

- North: SR-2: Single-Dwelling Residential; single family residences and undeveloped lots
- East: SR-4: Single-Dwelling Residential; MR-3: Multi-Dwelling Residential; P/I: Parks/Institutional
- South: SR-4: Single-Dwelling Residential; single family residences and undeveloped lots
- West: AG: Agricultural and P/I undeveloped, and County Drain 53. Property west of Drain 53 platted as Selkirk Place First Addition, though that plat has not yet recorded.

Area Plans:

The subject property is located within the 2007 Future Land Use Plan. This plan, amended in 2016 on this property, designates the subject property as "Residential Area—Lower to Medium Density." This land use designation includes the SR-4 zoning. The P/I zoning for HOA-owned lots is appropriate in this land use designation.

**Schools and Parks:**

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

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

Parks: Davies Athletic Complex (1880 70th Avenue S) is located approximately 0.28 miles east of the subject property and offers baseball/softball amenities. Davies Recreational Pool (7150 25th Street S) is located on the opposite corner of the southeast corner of the subject property and offers concessions, restrooms, and swimming pool amenities. Legacy Park (7150 25th Street S) is located approximately 0.13 miles north of the subject property and offers concessions, restrooms, and swimming pool amenities.

Pedestrian / Bicycle: On the east side of the property, there are off road bike facilities that run along 25th Street South; a multi-use trail is proposed along 67th Avenue South in this plat.

Staff Analysis:

The subject property is located at 6737 25th Street South and 6907 26th Street South and is bounded by 25th Street South (east), 69th Avenue South and Golden Valley 2nd Addition (south) and a city levee and County Drain Number 53 (west).

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

PLAT AND ZONING CHANGE

The plat will create 44 single family lots and one homeowners association (HOA)-owned park lot, zoned as follows:

BLOCK	LOTS	ZONING	LAND USE
1	1-11	SR-4	Detached single family
2	1	SR-4	Detached single family
2	2	P/I	HOA-owned park
3	1-20	SR-4	Detached single family
4	1-12	SR-4	Detached single family

The single-family lots range in size from approximately 6,000 square feet to 14,000 square feet, with most lots in the 6,000 to 8,000 square foot range. All meet the minimum required lot area of the SR-4 zone.

HOMEOWNERS' ASSOCIATION (HOA)-OWNED LOT: The city has created documentation that will clearly define the HOA's obligations to pay taxes on and maintain the HOA-owned lot, and to provide the City a course of action to continue to collect taxes and maintain these lots should the HOA fail to do so. This information will be included in the CC&R's that create the HOA. The HOA will also maintain the landscape easements depicted on the plat along 25th Street South, 26th Street South, and 67th Avenue South.

ACCESS: The project site takes access from 25th Street South to the east; 69th Avenue South to the south; and the future 67th Avenue South to the north; with 26th Street South continuing through the plat from Golden Valley Second Addition. Block 4 is designed to have a private alley, as depicted on the plat, providing access to the residential garages.

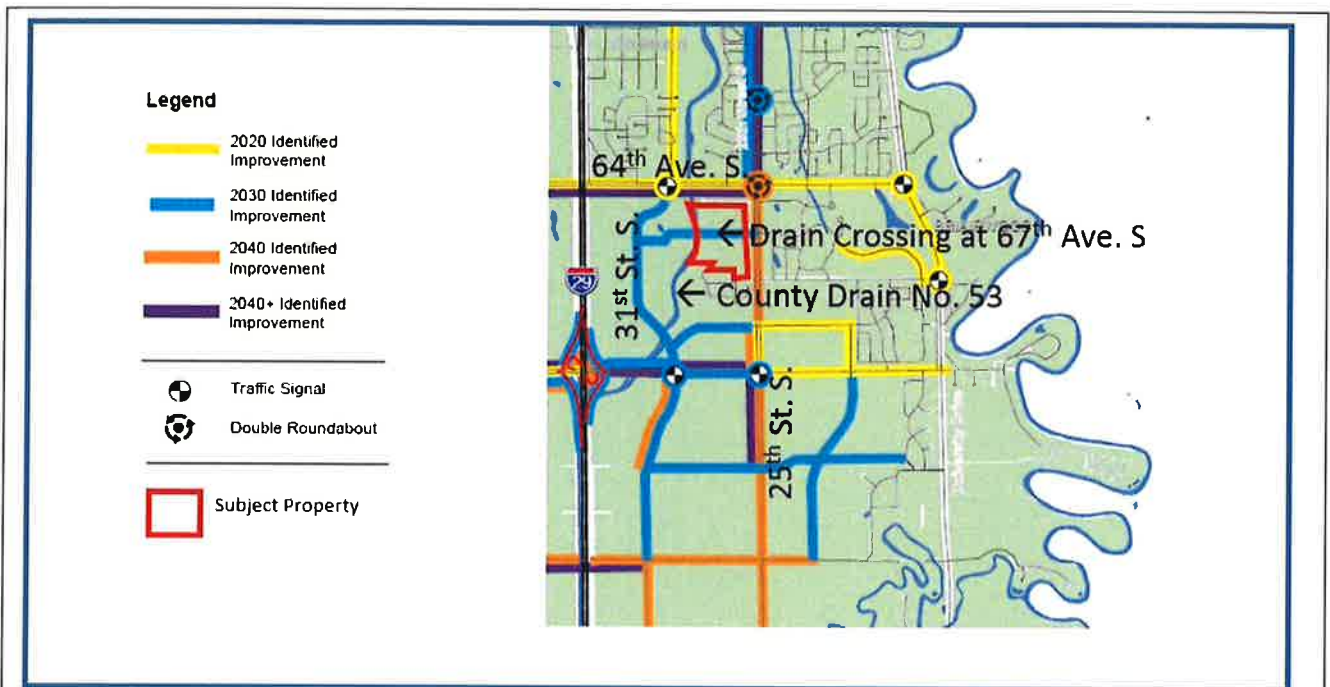
PUBLIC WATER and SEWER: Public water and sewer will be provided in the dedicated public streets.

STORMWATER: This subdivision will be served by an existing regional detention basin to the south for up to 65 percent impervious surface on the project site. If the site has greater than 65 percent, impervious surface, additional detention and water quality measures may be required.

FUTURE PHASE: The applicant has provided a proposed street layout (attached) of a future phase of Golden Valley to be developed in the area south of 67th Avenue South and west of Golden Valley 3rd Addition. This area is not included in the Golden Valley 3rd Addition plat. This area will remain zoned AG until a zone change is proposed. Staff is working with the applicant on this plan regarding proposed development in this area along Drain 53. Please note your Commission is not voting on this future phase layout. Staff requested this as part of a master-planning effort and to provide the Engineering Department with a basis to develop utility connectivity.

FUTURE ROAD CONNECTIVITY

Road connectivity in this area is designated in the Southwest Metro Transportation Plan, adopted by the Metropolitan Council of Governments (MetroCOG). An excerpt from this plan, shown below, depicts a street crossing of County Drain No. 53 at 67th Avenue South. The area of the applicant's master plan for this area is outlined in red. 67th Avenue South, as depicted on the Golden Valley 3rd Addition plat, dedicates right of way up to the City of Fargo-owned property adjacent to the east side of Drain 53.



The street crossing of County Drain No. 53 was earlier depicted on the 2007 Growth Plan at 70th Avenue South. This crossing was not provided on the plat of the Golden Valley 1st Addition, which includes 70th Avenue South. At the time of the Golden Valley 1st Addition approval, the city requested as part of the Golden Valley master plan that a crossing instead be accommodated between 64th Avenue and 70th Avenue. An amendment to the 2007 Growth Plan that was approved by the City Commission on June 24, 2013, allowed a street crossing of County Drain No. 53 at 70th Avenue South to be moved to a location in the southern 1/3 of Section 11, as the platting of Golden Valley 1st Addition had effectively eliminated the feasibility of a drain crossing at 70th Avenue South. As noted above, the Southwest Metro plan designated this crossing further north at 67th Avenue South.

This location was selected for the crossing as 67th Avenue South connects to the east to 17th Street South, which provides connectivity to University Drive South by way of 70th Avenue South, and is intended to connect to the west to 31st Street South, a north-south collector that will serve this portion of the city. Connectivity in this area would be enhanced by the 67th Avenue crossing of County Drain 53, as 67th would connect this area from University Drive to at least the future 31st Street. Despite the intensity of residential development in the area south of Interstate 94 and east of Interstate 29, there are only five east-west avenues connecting University Drive and I-29 (or its frontage road) in the five miles south of I-94 to 76th Avenue South: 32nd Avenue, 36th Avenue, 40th Avenue, 52nd Avenue, 64th Avenue. This crossing, providing additional east-west routes, also takes some of the traffic load off of the arterial streets, making those streets less congested as well as prolonging the intervals between major resurfacing and repair of these streets. From a Fire Department perspective, the drain crossing at 67th Avenue South is important for providing access through this and future neighborhoods in the area. Future plans indicate a fire station will be located on or near 64th Avenue South near this neighborhood. Connectivity through the neighborhood translates into reduced response time and larger coverage areas for fire stations.

The developer is not required to build the actual drain crossing, but only to dedicate right of way for this crossing. The drain crossing would not be constructed until the area west of County Drain 53 develops. Part of this area has been recently platted as the Selkirk Place First Addition, though that plat has not yet recorded. The infrastructure funding policy at the time of construction will be used to determine the appropriate assessment of a drain crossing. The Developer is concerned with the cost of a Drain crossing and the small benefitting area. The City recognizes this and will work with the Developer. The City is currently evaluating a plan to improve Drain 53 in this area.

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
Staff is unaware of any error in the zoning map as it relates to this property. The property was zoned AG, Agricultural at the time it was annexed. At that time, no development was proposed. Now that development is proposed, the applicant requests a zoning change to SR-4, Single Dwelling Residential and P/I, Public and Institutional. **(Criteria Satisfied)**
2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on an existing, developed public right-of-way and will dedicate additional rights-of-way, which provide access and public utilities to serve the development. **(Criteria satisfied)**
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no public comment. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**
4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**
The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Growth Plan.

This property is designated "lower to medium density residential" on the 2007 Growth Plan. The 2007 Growth Plan states that the "low to medium density" residential designation includes the SR-0 to SR-5 zones. Thus, the SR-4 zone is consistent with the "lower to medium density residential" designation from the 2007 Growth Plan. The P/I zone is the appropriate designation for HOA-owned lots that are not intended for residential development. The conditional overlay will restrict uses on the HOA-owned lot to "park and open space," which matches the zoning designation on Lot 5, Block 4 of Golden Valley Second Addition adjacent to the south. The two lots form a continuous park. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City, contingent on Commission approval of the proposed Growth Plan Amendment. **(Criteria satisfied)**

Major Subdivision

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

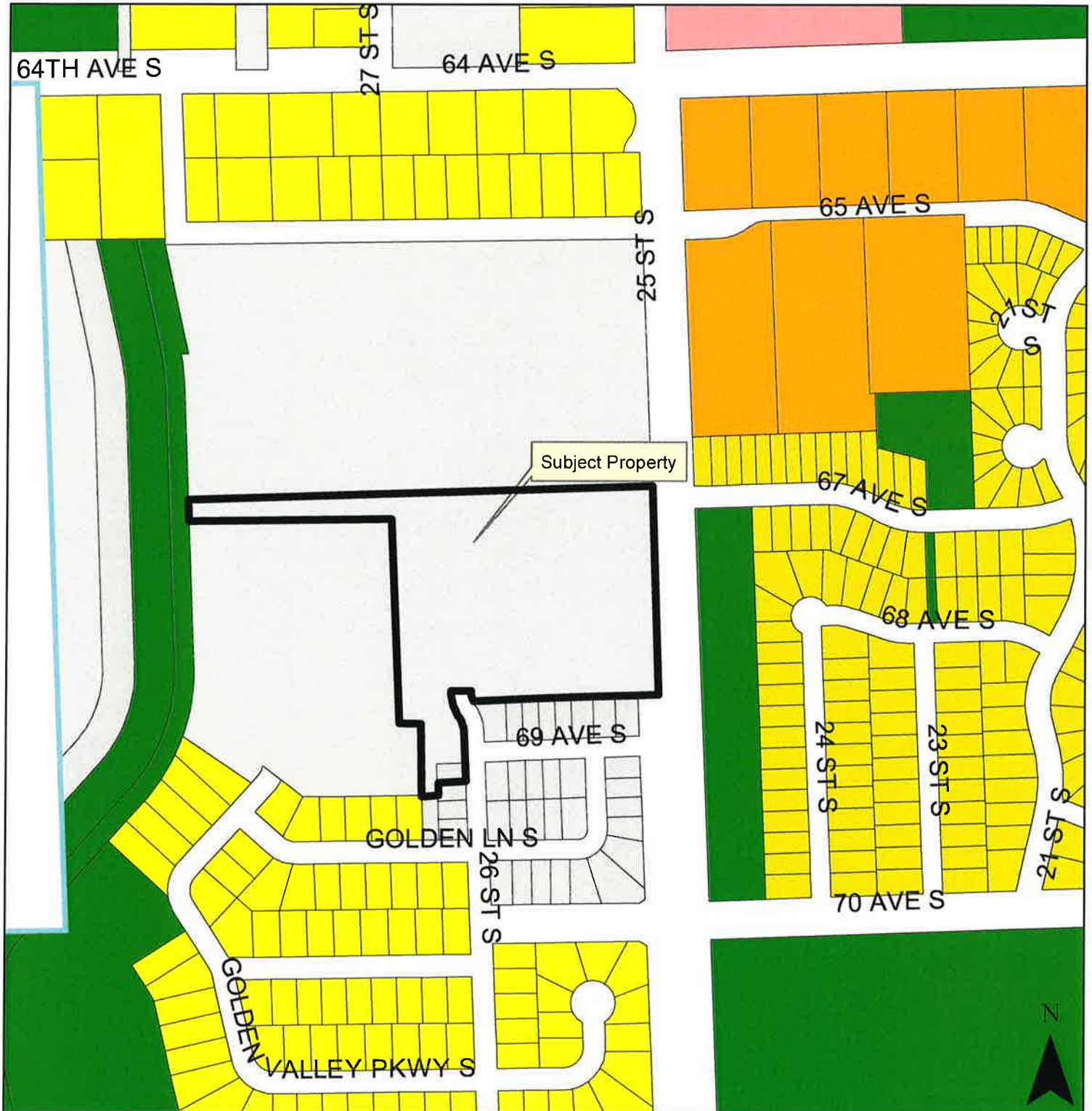
1. **Section 20-0907 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**
The requested zoning for the residential development on this property is SR-4: Single-Dwelling Residential. The SR-4 zoning will accommodate the proposed single-family development. The SR-4 zoning designations is consistent with the "lower to medium density" designation for this property in the 2007 Growth Plan as noted in the zoning change findings above. The P/I zone is the appropriate designation for HOA-owned lot that is not intended for residential development.

<p>In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has no comment on the application. (Criteria Satisfied)</p> <p>2. Section 20-0907.4 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 property is proposed to be zoned SR-4, Single-Dwelling Residential and P/I, Public and Institutional. As noted in the zone change findings above, these zones are consistent with the 2007 Growth Plan designation of "lower to medium density residential." The P/I zone is the appropriate designation for HOA-owned lots that is not intended for residential development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. (Criteria Satisfied)</p> <p>3. 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. The applicant has provided an 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). Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. (Criteria Satisfied)</p>
<p>Staff Recommendation:</p> <p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed 1) Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and to P/I, Public and Institutional with a C-O, Conditional Overlay to restrict land uses as noted in this report, and 2) a plat of the Golden Valley Third Addition, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."</p>
<p>Planning Commission Recommendation: November 5, 2019</p> <p>On November 5, 2019, by a vote of 9-0 with two Commissioners absent, the Planning Commission moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and to P/I, Public and Institutional with a C-O, Conditional Overlay to restrict land uses as noted in this report, and 2) a plat of the Golden Valley Third Addition, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."</p>
<p>Attachments:</p> <ol style="list-style-type: none"> 1. Zoning map 2. Location map 3. Preliminary plat 4. Conceptual master plan

Zone Change (AG to SR-4) & Plat (Major)

Golden Valley Third Addition

6737 25th St S



Legend

AG	LC	MHP	SR-2
DMC	ML	NOC	SR-3
GC	MR-1	PL	SR-4
GO	MR-2	UML	SR-5
	MR-3		City Limits

500
Feet

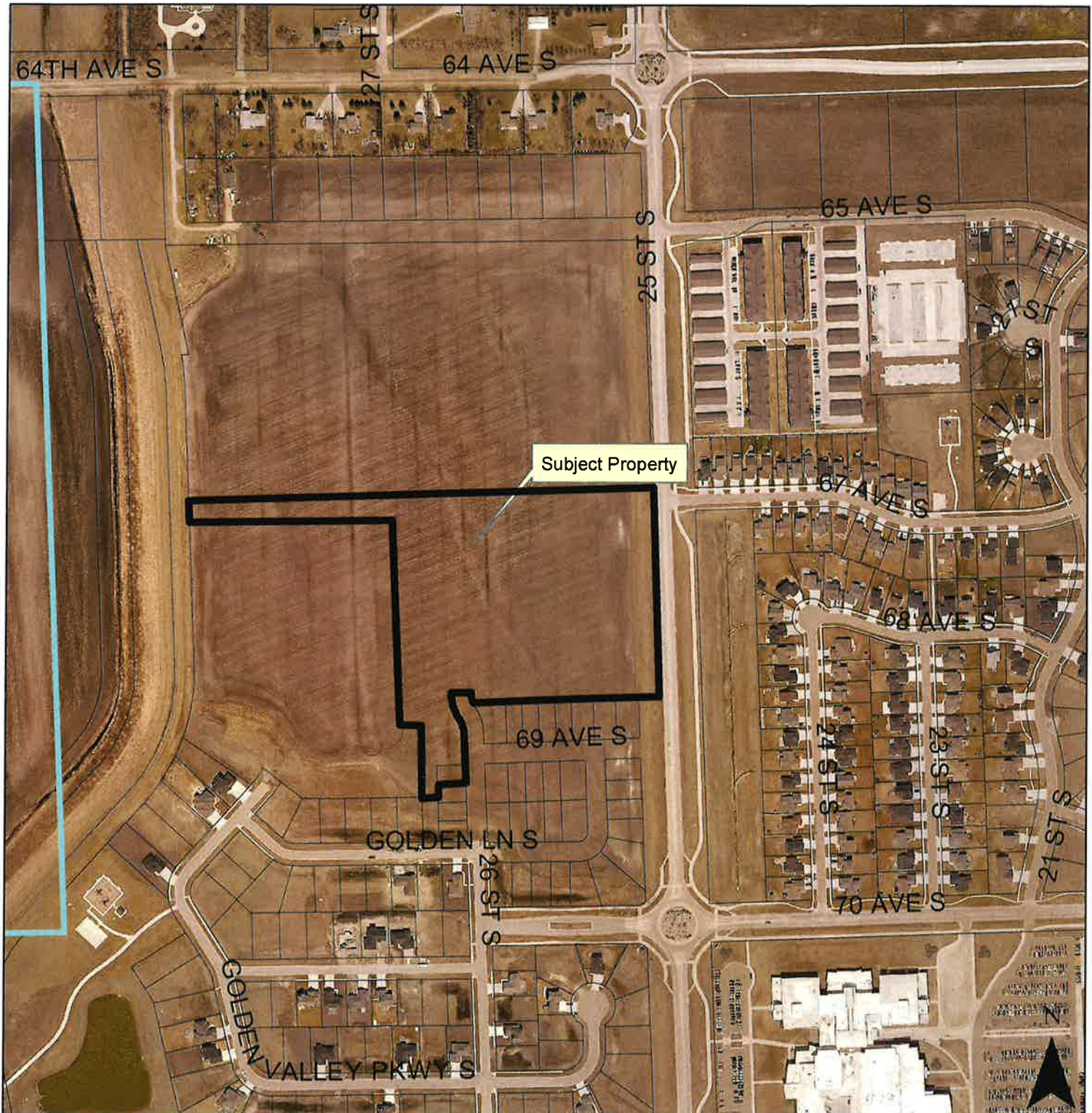
Fargo Planning Commission

November 5, 2019

Zone Change (AG to SR-4) & Plat (Major)

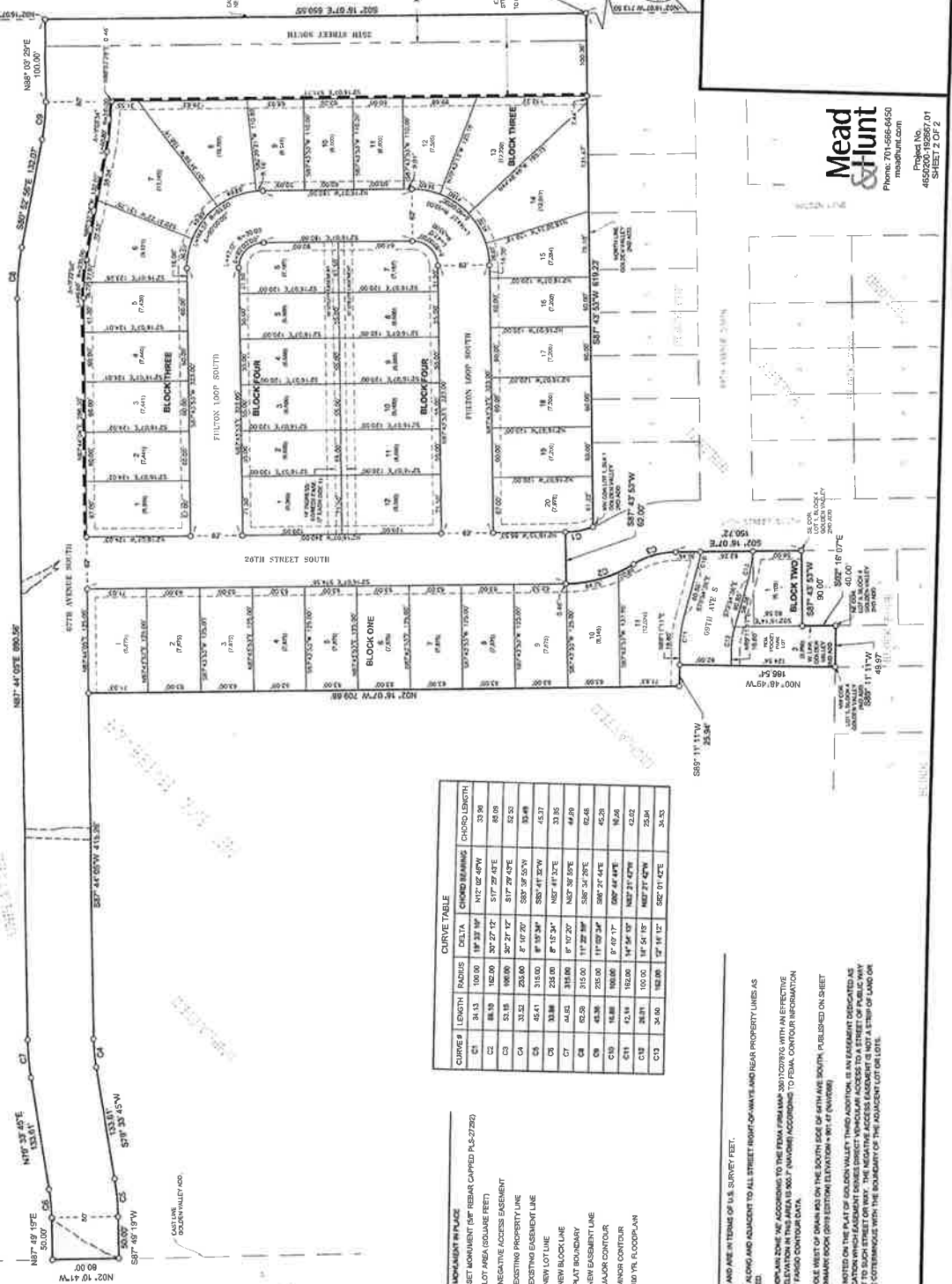
Golden Valley Third Addition

6737 25th St S



GOLDEN VALLEY THIRD ADDITION

BEING A REPEAT OF LOT 1, BLOCK 4, GOLDEN VALLEY SECOND ADDITION & A PART OF PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 135 NORTH, RANGE 49 WEST TO THE CITY OF FARGO, DAKOTA COUNTY, NORTH DAKOTA (A MAJOR SUBDIVISION)



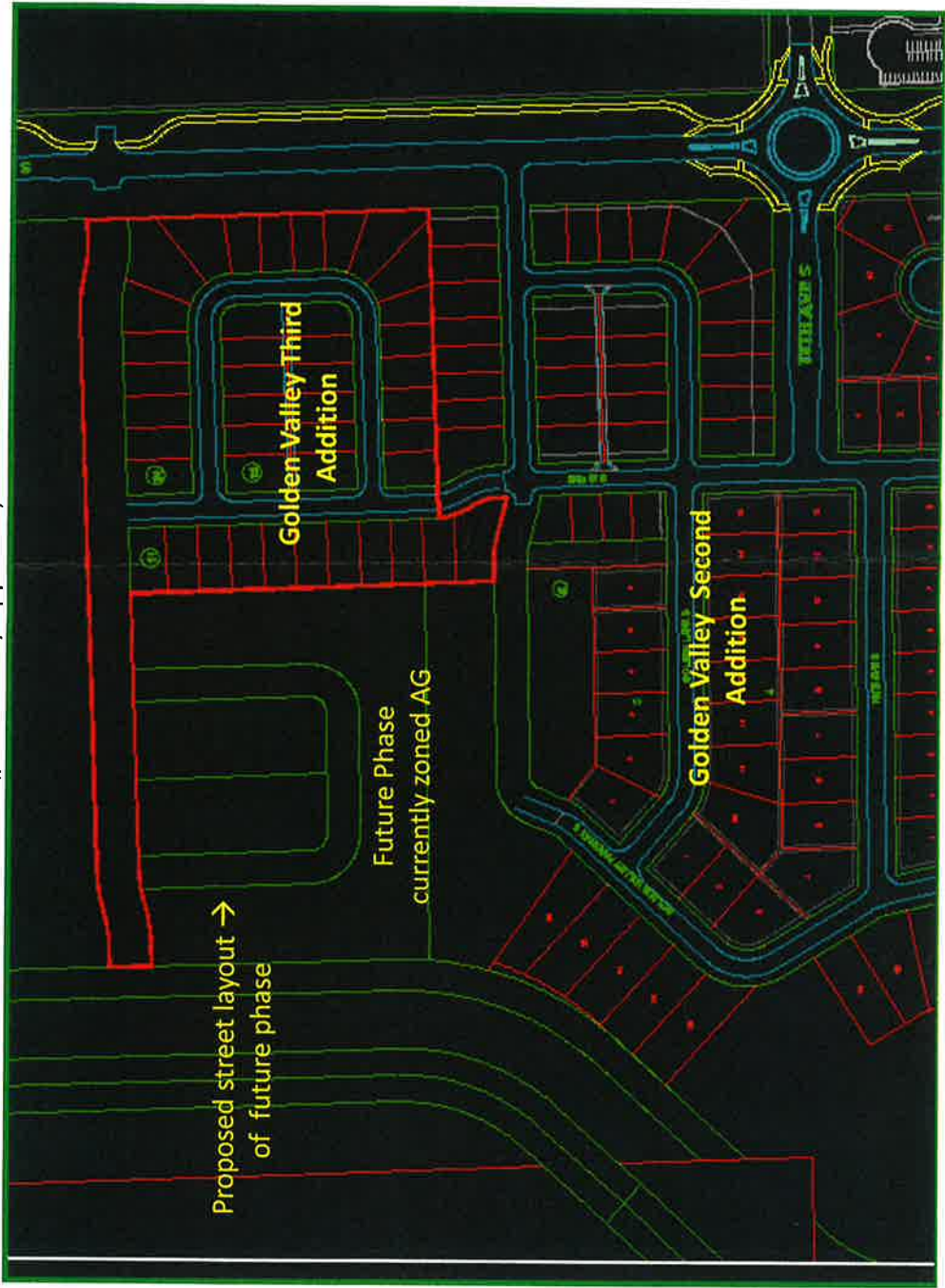
CHURCH	LENGTH	RADIUS	DELTA	CHORD	CHORD LENGTH
C1	34.13	100.00	18° 33' 46"	N12° 02' 40" W	33.36
C2	88.19	100.00	30° 27' 42"	S17° 02' 40" E	89.09
C3	53.15	100.00	30° 27' 42"	S17° 02' 40" E	52.53
C4	33.53	100.00	18° 33' 46"	S85° 41' 30" W	33.85
C5	42.41	100.00	18° 33' 46"	S85° 41' 30" W	44.99
C6	33.88	100.00	18° 33' 46"	S85° 41' 30" W	33.85
C7	42.41	100.00	18° 33' 46"	S85° 41' 30" W	44.99
C8	42.41	100.00	18° 33' 46"	S85° 41' 30" W	44.99
C9	42.41	100.00	18° 33' 46"	S85° 41' 30" W	44.99
C10	42.41	100.00	18° 33' 46"	S85° 41' 30" W	44.99
C11	42.41	100.00	18° 33' 46"	S85° 41' 30" W	44.99
C12	42.41	100.00	18° 33' 46"	S85° 41' 30" W	44.99
C13	42.41	100.00	18° 33' 46"	S85° 41' 30" W	44.99

- LEGEND**
- SET MONUMENT OR REBAR CAPPED PL-2752
 - LOT AREA (GROSS AREA FEET)
 - NEGATIVE ACCESS EASEMENT
 - EXISTING PROPERTY LINE
 - EXISTING EASEMENT LINE
 - NEW LOT LINE
 - NEW BLOCK LINE
 - NEW BOUNDARY LINE
 - MAJOR EASEMENT LINE
 - MAJOR EASEMENT
 - 100' PL. E. COOP. PL.

- NOTES**
1. GROUND DIMENSIONS ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 2. UTILITY EASEMENTS ARE 10' WIDE, ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
 3. PART OF THE PLAT FALLS IN FARGO, DAKOTA COUNTY, NORTH DAKOTA. THE PLAT IS SUBJECT TO THE FARGO ORDINANCE 300107070 WITH AN EFFECTIVE DATE OF 1/1/2011. THE BASE FLOOD ELEVATION IN THE AREA IS 500' (FARGO) ACCORDING TO FARGO CONTOUR INFORMATION SHOWN IS DERIVED FROM CITY OF FARGO CONTOUR DATA.
 4. BENCHMARK HAS IN 1ST POWER POLE WEST OF DRAIN RD ON THE SOUTH SIDE OF 27TH AVENUE SOUTH, PUBLISHED ON SHEET #111 OF THE CITY OF FARGO BENCHMARK BOOK (2015 EDITION) ELEVATION = 961.47' (NNVD).
 5. NEGATIVE ACCESS EASEMENTS, AS NOTED ON THE PLAT OF GOLDEN VALLEY THIRD ADDITION, IS AN EASEMENT DESIGNATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT GRANTS DIRECT VEHICULAR ACCESS TO A STRIP OF LAND OR FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY.

Mead & Hunt
 Project No. 465200-19587.01
 mashtun.com
 Phone: 701-556-6650
 SHEET 2 OF 2

Golden Valley Third Addition and Proposed Future Phase Street Layout
(provided by applicant)



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

28f2

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN GOLDEN VALLEY THIRD 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 Golden Valley Third Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on November 5, 2019; and,

WHEREAS, the rezoning changes were approved by the City Commission on May 18, 2020,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots One (1) through Eleven (11), Block One; Lot One (1), Block Two (2); Lots One (1) through Twenty (20), Block Three (3); and Lots One (1) through Twelve (12), Block Four (4) of Golden Valley Third Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "AG", Agricultural, District to "SR-4", Single-Dwelling Residential, District; with a "C-O", Conditional Overlay to restrict uses to parks and open areas as described in Section 20-0401 of the Land Development Code.

Section 2. The following described property:

Lot Two (2), Block Two (2) of Golden Valley Third Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "AG", Agricultural, District to "P/I" Public and Institutional, District; with a

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

“C-O”, Conditional Overlay to restrict uses to parks and open areas as described in Section 20-0401 of the Land Development Code.

Section 3. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

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

Timothy J. Mahoney, Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:




Fargo Inspections

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

2899

Memorandum

DATE: May 14, 2020
TO: Mayor Mahoney and Board of City Commissioners
FROM: Bruce Taralson, Inspections Director 
SUBJECT: Dangerous Building Notice and Order at 1007 8 Avenue N., Fargo, ND

The property owner of 1007 8 Avenue N., Fargo, ND, has failed to comply with my order to obtain a permit to repair or remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-0405, a hearing date has been set for May 18, 2020 for this order at which time the property owner will be able to appear and show cause why the building should not be removed and the costs of that removal assessed against this property.

The recommendation is to **designate this building to be a dangerous building, direct the City Attorney to prepare findings of fact in this matter, and order its removal before July 12, 2020. Please direct the appropriate staff to secure the removal of this building at that time, should the owner fail to do so.**



DANGEROUS BUILDING ORDER TO COMMISSION- Detail and Timeline regarding 1007 8 Avenue N., Fargo, ND.

The hearing scheduled for May 18, 2020, is required under Article 21-0405 for the purpose of allowing any interested parties the opportunity to comment, and to allow the Owner of the said property the opportunity to appear and show cause why the City of Fargo should not cause the removal of this building.

The Inspections Department is requesting that the City Commission deem this building as a Dangerous Building and order the demolition of the building due to the extent of damage found. This building meets 9 of the 10 criteria found in the ordinance which only one might be required. Our report on ordinance requirements is as follows:

1. Inspections Department was notified of fire by the Fire Department.
2. Inspections Department inspected the property.
3. Inspections Department placarded building as a Dangerous Building.
4. Inspections Department provided Dangerous Building notice to Owner allowing 30 days to obtain permit or demolish structure.
5. Inspections report to City Commission today.

In your packets, you will find the Dangerous Building Notice. Article 21-0404 requires the Inspections Department give a 30-day notice to the Owner of the property prior to any action by the City Commission or staff. Our timeline shows the building was placarded with the Dangerous Building Order on 10/30/2019; The Dangerous Building notice was posted on the property on 2/7/2020 (affidavit enclosed) and mailed via registered mail on date 2/11/2020 (affidavit enclosed). The action taken by the Owner did not comply with requirements of the notice within the 30-day deadline given, which has since expired.

Also in your packets, you will find copies of the photos taken of the property as well as a copy of the letter of determination of value from Assessors office. Article 21-0401 stipulates that if this building meets the definition of a dangerous building, it must be demolished or repaired. The assessor's letter states that repairs will exceed or are in excess of 50% of the current value. Article 21-0402 stipulates that if costs to repair the building exceed 50% or more of the current value, the building can be ordered demolished or repaired. We have taken the path of demolition due to the amount of repair the building requires to be habitable.

PROPERTY INFORMATION- Building is currently vacant and is uninhabitable due to condition and current Inspections order. Deterioration is extensive. Building constructed in 1900.

Description: Single-story, wood-framed structure.

Description of damage:

- Extensive property damage stemming from a fire in October of 2019.
- Multiple windows are boarded up.
- General deterioration due to neglect.
- Property has had numerous junk and vehicle complaints over the years.
- Fire remediation will be extensive due to water used to exterminate the fire. Most mechanical and electrical systems will need to be replaced.
- Due to the amount of damage, the entire structure will be required to be brought up to current code.

Timeline of events (Copies of notices and pictures enclosed):

September 2003: Junked Vehicle Removal Notice – Black Ford Bronco.

July 2011: Junked Vehicle Removal Notice – Black Ford Explorer.

March 2016: Junk Removal Notice – Multiple Miscellaneous Items.

August 2017: Junk Removal Notice – Multiple Miscellaneous Items.

August 2017: Junked Vehicle Removal Notice – Green Grand Prix and White Minivan.

May 2018: Junk Removal Notice – Multiple Miscellaneous Items.

October 2019: Building was heavily damaged by fire.

10/30/2019: Building was placarded as a Dangerous Building.

11/01/2019: Inspector spoke with property manager. Property manager stated that the Owner plans to demolish in Fall and wants to check on zoning to rebuild.

November 2019: Junked Vehicle Removal Notice – Green Pontiac Sunfire.

1/9/2020: Deputy Assessor, James Haley, deemed building cost to repair to exceed the minimum 50% of the building value.

2/7/2020: Dangerous Building Notice was posted on building.

2/7/2020: As per Water Department, the water meter was pulled October 30, 2019.

2/7/2020: As per Xcel Energy, the electric and gas services were disconnected in May of 2018. Both meters were removed on November 1, 2019.

2/11/2020: Dangerous Building Notice mailed via registered mail and posted on building.

3/3/2020: Owner called. Owner plans to demolish and donate lot.

4/13/2020: Inspections received complaint from neighboring property regarding smell.

4/13/2020: Inspections received complaint, caller wanted property cleaned up.

4/22/2020: Inspections received complaint, caller wanted property cleaned up.

4/23/2020: Inspections received complaint, caller wanted property cleaned up.

4/23/2020: Inspections received complaint regarding condition of property.

5/4/2020: Inspections requested Dangerous Building *Order to Show Cause* Hearing.

5/8/2020: Notice of Hearing posted on building and mailed to Owner via registered mail.

5/18/2020: Dangerous Building Hearing.

5/29/2020: Anticipated issuance of Findings of Fact.

6/12/2020: Deadline to appeal to District Court expires.

7/12/2020: Deadline for Owner to demolish or City of Fargo to proceed with action on City Commissions recommendation to demolition.

Please note, this timeline does not include complaints received by other departments or a total calculation of overall staff time spent on this property.

Upon your finding for Owner to comply with this demolition order, you are required by Article 21-0405.C,D&E, to notify the Owner of your determination, and that if the Owner fails to comply with that order for demolition within 10 days, The City Commission can order city staff to take action on demolition and assess costs back to the property.

I suggest you agree with my notice and find this to be a dangerous building, and direct the City Attorney to prepare findings of fact in this matter. I also ask that you direct staff to proceed with all necessary measures to secure removal of this building should the Owner fail to do so. Article 21-0412 allows for Owner appeal to City Commission action to District Court, which requires a \$500 deposit with the City Auditor.

Thank you,

Respectfully submitted,
Dated this 14th day of May, 2020.

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

Bruce Taralson
Inspections Director

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



Notice of Dangerous Building Hearing – Order to Show Cause

Date: May 8, 2020

Location: 1007 8 Avenue N., Fargo, ND 58102

Property Owner: Dietz Investment Group

Address of Property Owner: 2507 Parkview Drive South, Fargo, ND

Inspector: Bill Thompson

Date of Posting: May 8, 2020

Ordinance 21-0405 of the Fargo Municipal Code states:

The board of city commissioners shall:

A. Upon receipt of a report of the building inspector as provided for in § 21-0404, subsection (F), give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector(s) notice provided for herein in § 21-0404, subsection (E).

B. Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the register of deeds of the county of Cass shall offer relative to the "dangerous building."

A public hearing regarding the dangerous building located at 1007 8 Avenue N., Fargo, ND 58102, has been scheduled for Monday, May 18, 2020 during the City Commission Meeting. The meeting will begin at 5:15PM and will be located in the Commission Chambers at 225 4 Street N., Fargo, ND 58102.

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

Dated on this 8th day of May, 2020.

A handwritten signature in black ink, appearing to read "Bill Thompson", written over a horizontal line.

Bill Thompson
Building Inspector

A handwritten signature in black ink, appearing to read "Bruce Taralson", written over a horizontal line.

Bruce Taralson
Inspections Director

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

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

**Re: Notice of Dangerous Building Hearing – Order to Show Cause
for 1007 8 Avenue N., Fargo, ND 58102**

CM Receipt#: 7018 3090 0000 3038 5827

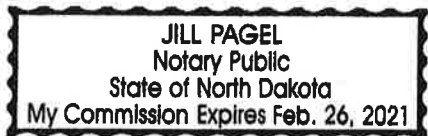
Nancy Turner, being first duly sworn and being of legal age, deposes and says that on the 8th day of May, 2020, she served the attached notice, upon Dietz Investment Group LLP , by placing true and correct copies thereof in an envelope addressed as follows:

Dietz Investment Group LLP
2507 Parkview Drive S.
Fargo, ND 58103

and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail.


Nancy Turner

Subscribed and sworn to before me this 8th day of May, 2020.



Joe Pagel
Notary Public
Cass County, North Dakota

(SEAL)

AFFIDAVIT OF SERVICE

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

**Re: Posting of Notice of *Order to Show Cause* Dangerous Building Hearing Regarding
1007 8 Avenue N., Fargo, ND 58102**

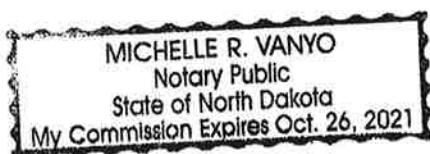
Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 8th day of May 2020, he posted the attached *Order to Show Cause* Notice of Dangerous Building upon the following address:

1007 8 Avenue North
Fargo, ND 58102




Bill Thompson

Subscribed and sworn to before me this 8th day of May, 2020.



(SEAL)



Notary Public
Cass County, North Dakota



Fargo Inspections

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

Memorandum

DATE: 4/29/2020
TO: Mayor Mahoney and Board of City Commissioners
FROM: Bruce Taralson, Inspections Administrator *BT*
SUBJECT: Dangerous Building Notice and Order at 1007 8 Avenue N., Fargo, ND 58102

This is to notify you that the property owner of 1007 8 Avenue N., Fargo, ND 58102 the property that is subject of the attached Notice, has failed to comply with my order to either obtain a permit to repair or remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-0405, it will now be necessary for you to set a date for a hearing of this order at which time the property owner will be able to appear and show cause why the building should not be removed and the costs of that removal assessed against this property.

The Inspections Department has been notified that the property has recently come under new ownership. The previous owner(s) and new owner(s) will be notified of an approved hearing.

The recommendation is **to make a motion, in accordance with FMC Article 21-0405, to set Monday, May 18, 2020 as the time and date for the hearing regarding the dangerous building order for the structure at 1007 8 Avenue N., Fargo, ND 58102.**

Fargo Inspections

City of Fargo
225 4th Street North
701-241-1561
701-476-6779 fax



NOTICE OF DANGEROUS BUILDING

TO: Dietz Investment Group LLP
2507 Parkview Drive S.
Fargo, ND 58103

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.

2. That the building with which this Notice is concerned is commonly known as 1007 8 Ave N, and is located on that tract of land in the city of Fargo, more particularly described as follows:

Harwoods 3rd, Block 10, Lot 5

(hereinafter referred to as "the building")

3. That an inspection was made of the building on October 30, 2019 by Bill Thompson, Building Inspector, and on January 9, 2020 by James Haley, Deputy Assessor, of the City of Fargo.

4. That the building inspector for the City of Fargo has found the building, consisting of a single-story, wood-framed structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and IPMC Code 108.1.5 concerning Dangerous Structures.

5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

6. That the owner of the building must demolish the building within 30 (thirty) days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.

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

A. Deputy Assessor, James Haley, of the City of Fargo has deemed that the building has been damaged or deteriorated to the extent of more than fifty (50) percent of its original value prior to the damage or deterioration. Source: Fargo Municipal Code, Article 21-0402 concerning Dangerous Buildings.

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

9. You are further given Notice that unless the building is demolished within the time period set forth herein, the City of Fargo will take such steps as are necessary to cause said building to be demolished pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and the International Building Code and the owner will be assessed such costs as are provided for therein.

10. Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 108.2 of the International Property Maintenance Code, 2018 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 7th day of February, 2020.

11. The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance. An inspector will continue to verify compliance. Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

Dated this 7th day of February, 2020.



Bill Thompson
Building Inspector
City of Fargo, ND

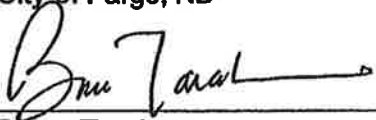
Conditions Found Statement

On October 30, 2019, Building Inspector Bill Thompson, was present at 1007 8 Ave N, Fargo, ND to address a complaint inspection. The following violations were found:

- Extensive property damage stemming from a fire on October 25, 2019.
- Multiple windows are boarded up.
- Fire debris/debris scattered around property.
- As per City of Fargo Water Department on February 7, 2020, the water meter was pulled on October 30, 2019.
- As per Xcel Energy on February 7, 2020, the electric and gas services were disconnected in May of 2018. Both meters were removed on November 1, 2019 – electric meter number 2102582, gas meter number 952872.



Bill Thompson
Building Inspector
City of Fargo, ND



Bruce Taralson
Inspections Director



Date Signed

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

[illegible]

Re: Notice of Dangerous Building Hearing Request for 1007 8 Avenue N., Fargo, ND 58102
CM Receipt#: 7018 2290 0000 7759 6461

Nancy Turner, being first duly sworn and being of legal age, deposes and says that on the 30th day of April, 2020, she served the attached notice, upon Dietz Investment Group LLP , by placing true and correct copies thereof in an envelope addressed as follows:

Dietz Investment Group LLP
2507 Parkview Drive S.
Fargo, ND 58103

and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail.


Nancy Turner

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

JILL PAGEL
Notary Public
State of North Dakota
Commission Expires Feb. 26, 2024

(SEAL)

Jim Pazel
Notary Public
Cass County, North Dakota

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature X <i>USPS/Dietz</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: <i>Dietz Investment Group LLC</i> <i>2507 Parkview Dr S</i> <i>Fargo, ND 58103</i></p>		<p>B. Received by (Printed Name) C. Date of Delivery <i>5-1-20</i></p>	
<p>2. Article Number (Transfer from service label) 7018 2290 0000 7759 6461</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	


U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
<p>Certified Mail Fee \$</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$</p> <p><input type="checkbox"/> Return Receipt (electronic) \$</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$</p> <p><input type="checkbox"/> Adult Signature Required \$</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$</p> <p>Postage \$</p> <p>Total Postage and Fees \$</p>	<p><i>4-30-20</i></p> <p>Postmark Here</p>
<p>Sent To <i>Dietz Investment Group LLC</i> Street and Apt. No. or PO Box No. <i>2507 Parkview Dr S</i> City, State, ZIP+4® <i>Fargo, ND 58103</i></p>	
<p>PS Form 3800, April 2015 PSN 7530-02-000-9047</p> <p>See Reverse for Instructions</p>	



Fargo Inspections

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

Memorandum

DATE: 4/29/2020
TO: Mayor Mahoney and Board of City Commissioners
FROM: Bruce Taralson, Inspections Administrator 
SUBJECT: Dangerous Building Notice and Order at 1007 8 Avenue N., Fargo, ND 58102

This is to notify you that the property owner of 1007 8 Avenue N., Fargo, ND 58102 the property that is subject of the attached Notice, has failed to comply with my order to either obtain a permit to repair or remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-0405, it will now be necessary for you to set a date for a hearing of this order at which time the property owner will be able to appear and show cause why the building should not be removed and the costs of that removal assessed against this property.

The Inspections Department has been notified that the property has recently come under new ownership. The previous owner(s) and new owner(s) will be notified of an approved hearing.

The recommendation is **to make a motion, in accordance with FMC Article 21-0405, to set Monday, May 18, 2020 as the time and date for the hearing regarding the dangerous building order for the structure at 1007 8 Avenue N., Fargo, ND 58102.**

Fargo Inspections

City of Fargo
225 4th Street North
701-241-1561
701-476-6779 fax



NOTICE OF DANGEROUS BUILDING

TO: Dietz Investment Group LLP
2507 Parkview Drive S.
Fargo, ND 58103

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.

2. That the building with which this Notice is concerned is commonly known as 1007 8 Ave N, and is located on that tract of land in the city of Fargo, more particularly described as follows:

Harwoods 3rd, Block 10, Lot 5

(hereinafter referred to as "the building")

3. That an inspection was made of the building on October 30, 2019 by Bill Thompson, Building Inspector, and on January 9, 2020 by James Haley, Deputy Assessor, of the City of Fargo.

4. That the building inspector for the City of Fargo has found the building, consisting of a single-story, wood-framed structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and IPMC Code 108.1.5 concerning Dangerous Structures.

5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

6. That the owner of the building must demolish the building within 30 (thirty) days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.

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

A. Deputy Assessor, James Haley, of the City of Fargo has deemed that the building has been damaged or deteriorated to the extent of more than fifty (50) percent of its original value prior to the damage or deterioration. Source: Fargo Municipal Code, Article 21-0402 concerning Dangerous Buildings.

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

9. You are further given Notice that unless the building is demolished within the time period set forth herein, the City of Fargo will take such steps as are necessary to cause said building to be demolished pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and the International Building Code and the owner will be assessed such costs as are provided for therein.

10. Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 108.2 of the International Property Maintenance Code, 2018 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 7th day of February, 2020.

11. The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance. An inspector will continue to verify compliance. Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

Dated this 7th day of February, 2020.



Bill Thompson
Building Inspector
City of Fargo, ND


Conditions Found Statement

On October 30, 2019, Building Inspector Bill Thompson, was present at 1007 8 Ave N, Fargo, ND to address a complaint inspection. The following violations were found:

- Extensive property damage stemming from a fire on October 25, 2019.
- Multiple windows are boarded up.
- Fire debris/debris scattered around property.
- As per City of Fargo Water Department on February 7, 2020, the water meter was pulled on October 30, 2019.
- As per Xcel Energy on February 7, 2020, the electric and gas services were disconnected in May of 2018. Both meters were removed on November 1, 2019 – electric meter number 2102582, gas meter number 952872.



Bill Thompson
Building Inspector
City of Fargo, ND



Bruce Taralson
Inspections Director



Date Signed

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

[illegible]

Re: Notice of Dangerous Building Hearing Request for 1007 8 Avenue N., Fargo, ND 58102

CM Receipt#: 7019 1640 0001 9382 1945

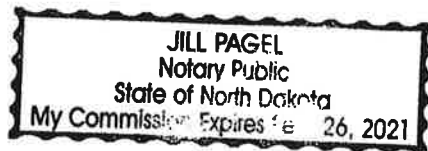
Nancy Turner, being first duly sworn and being of legal age, deposes and says that on the 30th day of April, 2020, she served the attached notice, upon Jeremy Somers, by placing true and correct copies thereof in an envelope addressed as follows:

Jeremy Somers
4235 18 Street S.
Moorhead, MN 56560

and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail.


Nancy Turner

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



Juragel
Notary Public
Cass County, North Dakota

(SEAL)

Fargo Inspections

City of Fargo
225 4th Street North
701-241-1561
701-476-6779 fax



NOTICE OF DANGEROUS BUILDING

TO: Dietz Investment Group LLP
2507 Parkview Drive S.
Fargo, ND 58103

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.

2. That the building with which this Notice is concerned is commonly known as 1007 8 Ave N, and is located on that tract of land in the city of Fargo, more particularly described as follows:

Harwoods 3rd, Block 10, Lot 5

(hereinafter referred to as "the building")

3. That an inspection was made of the building on October 30, 2019 by Bill Thompson, Building Inspector, and on January 9, 2020 by James Haley, Deputy Assessor, of the City of Fargo.

4. That the building inspector for the City of Fargo has found the building, consisting of a single-story, wood-framed structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and IPMC Code 108.1.5 concerning Dangerous Structures.

5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

6. That the owner of the building must demolish the building within 30 (thirty) days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.

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

A. Deputy Assessor, James Haley, of the City of Fargo has deemed that the building has been damaged or deteriorated to the extent of more than fifty (50) percent of its original value prior to the damage or deterioration. Source: Fargo Municipal Code, Article 21-0402 concerning Dangerous Buildings.

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

9. You are further given Notice that unless the building is demolished within the time period set forth herein, the City of Fargo will take such steps as are necessary to cause said building to be demolished pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and the International Building Code and the owner will be assessed such costs as are provided for therein.

10. Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 108.2 of the International Property Maintenance Code, 2018 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 7th day of February, 2020.

11. The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

Dated this 7th day of February, 2020.



Bill Thompson
Building Inspector
City of Fargo, ND

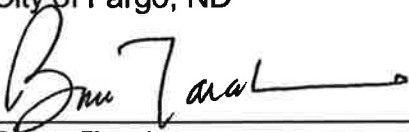
Conditions Found Statement

On October 30, 2019, Building Inspector Bill Thompson, was present at 1007 8 Ave N, Fargo, ND to address a complaint inspection. The following violations were found:

- Extensive property damage stemming from a fire on October 25, 2019.
- Multiple windows are boarded up.
- Fire debris/debris scattered around property.
- As per City of Fargo Water Department on February 7, 2020, the water meter was pulled on October 30, 2019.
- As per Xcel Energy on February 7, 2020, the electric and gas services were disconnected in May of 2018. Both meters were removed on November 1, 2019 – electric meter number 2102582, gas meter number 952872.



Bill Thompson
Building Inspector
City of Fargo, ND



Bruce Taralson
Inspections Director



Date Signed

AFFIDAVIT OF SERVICE

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

Re: Posting of Notice of Dangerous Building

Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 7th day of February 2020, he posted the attached Notice of Dangerous Building upon the following address:

1007 8 Avenue North
Fargo, ND 58102



Bill Thompson

Subscribed and sworn to before me this 7th day of February, 2020.





Notary Public
Cass County, North Dakota

(SEAL)

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

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

Re: Notice of Dangerous Building at 1007 8 Ave N., Fargo, ND
CM Receipt#: 7018 3090 0000 3038 3809


Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 11th day of February, 2020, she served the attached notice, upon Dietz Investment Group LLP, by placing true and correct copies thereof in an envelope addressed as follows:

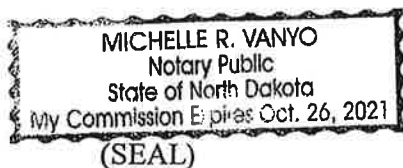
Dietz Investment Group LLP
2507 Parkview Drive S.
Fargo, ND 58103-6228

and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail. The Dangerous Building notice mailed Certified Mail on February 7, 2020, was returned to the Inspections Department as Insufficient Address/Unable to Forward.


Gretchen Morlan

Subscribed and sworn to before me this 11th day of February, 2020.


Notary Public
Cass County, North Dakota



7018 3090 0000 3038 3809

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

Postmark Here

Sent to
 Dietz Investment Group LP
 Street and Apt. No. or PO Box No.
 507 Parkview Drive S.
 City, State, ZIP+4
 Fargo, ND 58103-6228

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



INSPECTIONS DEPT.
225 4th Street North
Fargo, ND 58102-4817

Return Service Requested

CERTIFIED MAIL



7018 3090 0000 3038 31



\$ 06.90⁰⁰
0002004780 FEB 07 2020
MAILED FROM ZIP CODE 58102

IX
Dietz Investment Group, LLP
2507 Parkview Drive S.
Fargo, ND 58102-4817

NIXTE

581 DE 1

0002/08/20

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

581024817
58102-4817

BC: 58102481725 *2635-23085-07-32

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p> <input type="checkbox"/> Complete items 1, 2, and 3. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. </p>		<p>A. Signature</p> <p>X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7018 3090 0000 3038 3793</p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p>	
<p>3. Service Type</p> <p> <input type="checkbox"/> Adult Signature <input checked="" type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) </p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>4. Priority Mail Express®</p> <p> <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery </p>		<p>Domestic Return Receipt</p>	



ASSESSOR'S OFFICE

Fargo City Hall
225 4th Street North
Fargo, ND 58102
Phone: 701.241.1340 | Fax: 701.241.1339
www.FargoND.gov

MEMORANDUM:

DATE: 01/09/2019
TO: Bruce Taralson, Inspections Administrator
FROM: James Haley, Deputy Assessor
SUBJECT: 1007 8 Ave N

On 01/09/2019, I inspected the exterior and viewed interior photographs, dated 10/30/2019, of the subject residential building to determine if the damage, caused by a fire, would qualify it as a dangerous building as defined in city ordinance. One requirement of that classification is that the cost to repair would exceed fifty percent (50%) of the building value as established by the Fargo Assessment Department.

Based on observed component damage and assumptions relative to the condition of other building elements, I have estimated a cost to repair that exceeds the minimum fifty- percent.



1007 8 Avenue N., Fargo, ND 58102—Interior Fire Damage



1007 8 Avenue N., Fargo, ND 58102—Interior Fire Damage



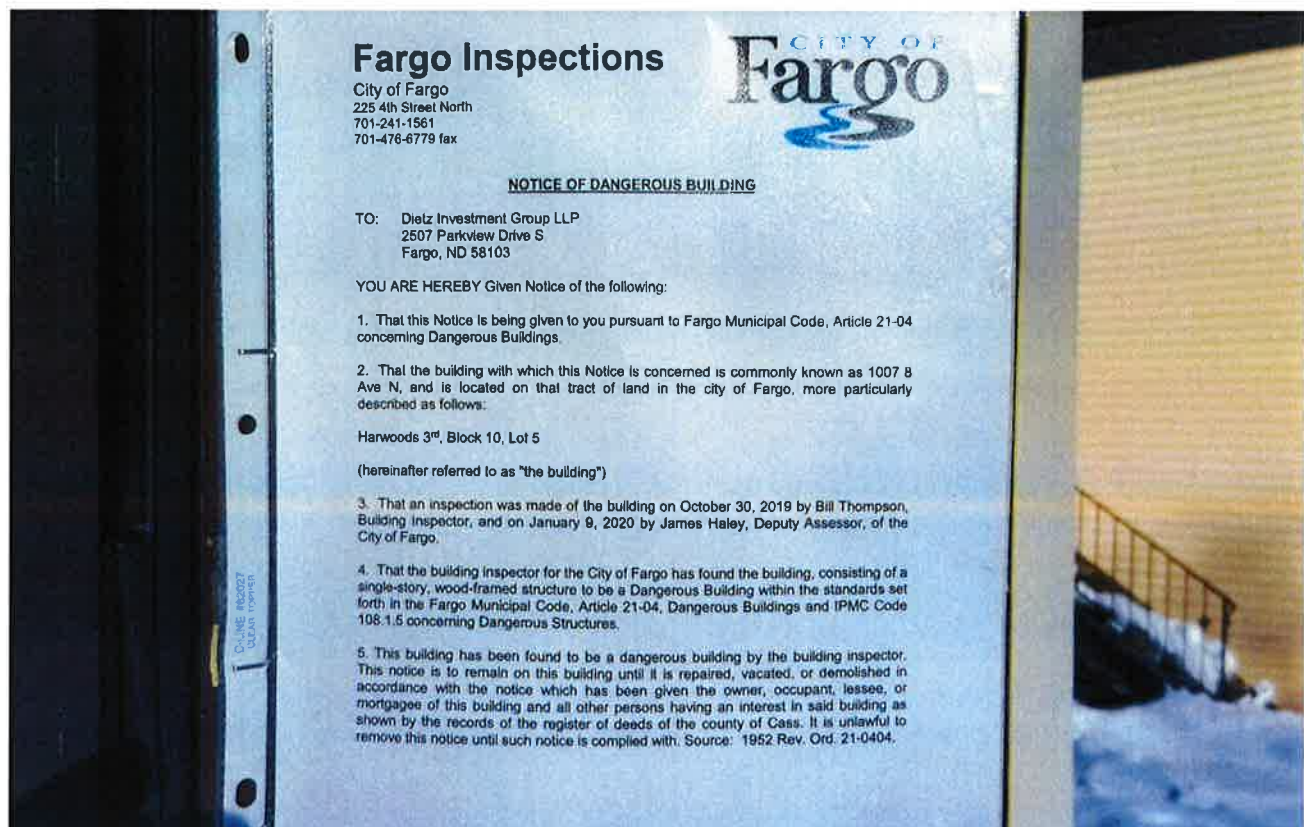
1007 8 Avenue N., Fargo, ND 58102—10/30/2019



1007 8 Avenue N., Fargo, ND 58102—10/30/2019







1007 8 Avenue N., Fargo, ND 58102—2/7/2020



Building Inspections Department
225 4th Street North
Fargo, ND 58102
(701) 476-6708

VEHICLE REMOVAL NOTICE
Administrative Notice of Order to Correct

DATE: 11/27/2019

LOCATION OF VEHICLE TO BE REMOVED: 1007 8th Ave N

PROPERTY OWNER: Dietz Investment Group LLP

OWNERS ADDRESS: 2507 Parkview Dr S, Fargo, ND 58103

INSPECTOR: Bill Thompson

YOU ARE HEREBY ORDERED TO REMOVE THE FOLLOWING IDENTIFIED JUNK VEHICLES IN ACCORDANCE WITH FARGO MUNICIPAL CODE ARTICLE 13-09 BY December 12, 2019 . The term "junk automobiles" includes, without limitation, any motor vehicle which is not licensed for use upon the highways of the state of North Dakota for a period in excess of sixty days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty days. If any or all of these vehicles remain on the above property after the deadline date shown, they will be removed by the City of Fargo. Junked vehicles removed by the City will be disposed of immediately.

The Fargo Land Development Code 20-0701-5-D states all off-street front and side parking areas shall have an all weather surface. Rear yard parking spaces may be surfaced with gravel. LDC 20-1202 defines of an all weather surface as to not include grass, dirt or gravel. Such surfaces shall include, but not be limited to concrete, asphalt, paving blocks, brick, and other materials intended for outdoor motor vehicle use.

If you fail to correct the violation by the stated deadline may file a Summons and Complaint against you, requiring you to appear in Municipal Court. **This is your notice to correct the violation.**

Letter was sent to property owner first class and certified/Tenant was sent letter first class

Vehicle Description	License Number	State	License Exp. Date	Vehicle Owner
Green Pontiac Sunfire	No plate	No plate	No plate	No plate visible





Building Inspections Department

Housing Inspections

200 3rd Street North

Fargo, ND 58102

(701) 476-6708

Page 1 of 1

Junk Removal Notice- Order to Correct

DATE: 5-24-18

LOCATION: 1007 8th Ave N
PROPERTY OWNER: Deitz Investment Group LLP
ADDRESS OF PROPERTY OWNER: 2507 Parkview Dr. S, Fargo ND 58103-622
INSPECTOR: Bill Thompson
DATE OF INSPECTION: 5-23-18

YOU ARE HEREBY ORDERED TO REMOVE THE FOLLOWING DESCRIBED JUNK AND/OR DEBRIS IN ACCORDANCE WITH FARGO MUNICIPAL CODE ARTICLE 13-09 BY June 12, 2018. If the junk remains after this date, the City of Fargo may remove the material identified below and the cost of removal will be assessed against the real property described in this notice. In the alternative, a Summons and Complaint may be filed against you requiring you to appear in Municipal Court. **This is your notice to correct the violation.**

The term "junk" includes, without limitation, trash, rubbish, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators, or other appliances, remnants of wood, metal or any other castoff material of any kind, whether or not the same could be put to any reasonable use.

DESCRIPTION OF MATERIAL TO BE REMOVED

Misc junk inside pickup cab with window down, misc junk in box of pickup. Pickup is parked by alley ND plate 922AHD. Items under tarps on east side of garage. Stroller, lumber, furniture, water jug, tv, other misc items around perimeter of garage. Ceiling fan, shelving and other misc items in fenced rear yard. Debris and junk on boulevard



Building Inspections Department

Housing Inspections

200 3rd Street North

Fargo, ND 58102

(701) 476-6708

Page 1 of 1

Junk Removal Notice- Order to Correct

DATE: 8/16/17

LOCATION: 1007 8 Ave N

PROPERTY OWNER: Dietz Investment Group

ADDRESS OF PROPERTY OWNER: 2507 Parkview Dr. S
Fargo, ND 58103

INSPECTOR: Bill Thompson

DATE OF INSPECTION: 8-15-17

YOU ARE HEREBY ORDERED TO REMOVE THE FOLLOWING DESCRIBED JUNK AND/OR DEBRIS IN ACCORDANCE WITH FARGO MUNICIPAL CODE ARTICLE 13-09 BY September 17, 2017. If the junk remains after this date, the City of Fargo may remove the material identified below and the cost of removal will be assessed against the real property described in this notice. In the alternative, a Summons and Complaint may be filed against you requiring you to appear in Municipal Court. **This is your notice to correct the violation.**

The term "junk" includes, without limitation, trash, rubbish, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators, or other appliances, remnants of wood, metal or any other castoff material of any kind, whether or not the same could be put to any reasonable use.

DESCRIPTION OF MATERIAL TO BE REMOVED

Junk between cars in alley, on east and south side of garage, along north side of house, and next to west property fence. Chairs, mattresses, cushions, tires, batteries, tables, strollers, rolls of carpet, and bikes



Building Inspections Department
200 3rd Street North
Fargo, ND 58102
(701) 476-6708

VEHICLE REMOVAL NOTICE
Administrative Notice of Order to Correct

DATE: 8/16/17

LOCATION OF VEHICLE TO BE REMOVED: 1007 8 Ave N

PROPERTY OWNER: Dietz Investment Group
 OWNERS ADDRESS: 2507 Parkview Dr. S, Fargo ND 58102

INSPECTOR: Bill Thompson

YOU ARE HEREBY ORDERED TO REMOVE THE FOLLOWING IDENTIFIED JUNK VEHICLES IN ACCORDANCE WITH FARGO MUNICIPAL CODE ARTICLE 13-09 BY September 17, 2017. The term "junk automobiles" includes, without limitation, any motor vehicle which is not licensed for use upon the highways of the state of North Dakota for a period in excess of sixty days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty days. If any or all of these vehicles remain on the above property after the deadline date shown, they will be removed by the City of Fargo. Junked vehicles removed by the City will be disposed of immediately.

The Fargo Land Development Code 20-0701-5-D states all off-street front and side parking areas shall have an all weather surface. Rear yard parking spaces may be surfaced with gravel. LDC 20-1202 defines of an all weather surface as to not include grass, dirt or gravel. Such surfaces shall include, but not be limited to concrete, asphalt, paving blocks, brick, and other materials intended for outdoor motor vehicle use.

If you fail to correct the violation by the stated deadline may file a Summons and Complaint against you, requiring you to appear in Municipal Court. **This is your notice to correct the violation.**

Vehicle Description	License # and Exp. Date	State
Green grand prix	No Plates	N/A
White minivan	30 Day Permit 17108	ND

Registered Owners:

T Smith-Nerlien		



Building Inspections Department

Rental Housing Inspections

200 3rd Street North

Fargo, ND 58102

Page 1 of 1

JUNK REMOVAL NOTICE

DATE: March 23, 2016

LOCATION: 1007 8 Ave N Fargo, ND 58102

PROPERTY OWNER: Dietz Investment Group LLP

INSPECTOR: Arens

DATE OF INSPECTION: 3/18/16

YOU ARE HEREBY ORDERED TO REMOVE THE FOLLOWING DESCRIBED JUNK AND/OR DEBRIS IN ACCORDANCE WITH FARGO MUNICIPAL CODE ARTICLE 13-09 BY April 25, 2016. IF THE JUNK REMAINS AFTER THIS DATE, THIS MATTER WILL BE TURNED OVER TO THE CITY ATTORNEY FOR APPROPRIATE ACTION.

The term "junk" includes, without limitation, trash, rubbish, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators, or other appliances, remnants of wood, metal or any other castoff material of any kind, whether or not the same could be put to any reasonable use.

DESCRIPTION OF MATERIAL TO BE REMOVED

Items are in the rear yard, east side of garage, and north side of garage.

Tires, bed frame, numerous folding tables, wood tables, plastic tubs, cardboard boxes, tarps, chair, pet carrier, wood parts, wheels, hose, gas containers, plastic pails, and miscellaneous junk.



Building Inspections Department
200 3rd Street North
Fargo, ND 58102
(701) 476-6708

VEHICLE REMOVAL NOTICE
Administrative Notice of Order to Correct

DATE: 7-5-11

LOCATION OF VEHICLE TO BE REMOVED: 1007 8 Ave N

PROPERTY OWNER: BJELDE, GARRY L & CAROL A
OWNERS ADDRESS: 3140 32 ST S UNIT 4
FARGO ND 58103-6282

INSPECTOR: Jeff Schuler

YOU ARE HEREBY ORDERED TO REMOVE THE FOLLOWING IDENTIFIED JUNK VEHICLES IN ACCORDANCE WITH FARGO MUNICIPAL CODE ARTICLE 13-09 BY July 29, 2011. The term "junk automobiles" includes, without limitation, any motor vehicle which is not licensed for use upon the highways of the state of North Dakota for a period in excess of sixty days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty days. If any or all of these vehicles remain on the above property after the deadline date shown, they will be removed by the City of Fargo. Junked vehicles removed by the City will be disposed of immediately.

If you fail to correct the violation by the stated deadline may file a Summons and Complaint against you, requiring you to appear in Municipal Court. **This is your notice to correct the violation.**

Vehicle Description	License # and Exp. Date	State
Black Ford Explorer	Unlicensed	




Building Inspections Department
Rental Housing Inspections
200 3rd Street North
Fargo, ND 58102
(701) 476-4147

VEHICLE REMOVAL NOTICE

DATE: September 10, 2003
 LOCATION OF VEHICLE TO BE REMOVED: 1007 8th Ave. N.
 PROPERTY OWNER: Garry L. & Carol A. Bjelde
 OWNERS ADDRESS: 1007 8th Ave. N.

INSPECTOR: Bruce Taralson

YOU ARE HEREBY ORDERED TO REMOVE THE FOLLOWING IDENTIFIED JUNK VEHICLES IN ACCORDANCE WITH FARGO MUNICIPAL CODE ARTICLE 13-09 BY September 26, 2003. The term "junk automobiles" includes, without limitation, any motor vehicle which is not licensed for use upon the highways of the state of North Dakota for a period in excess of sixty days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty days. If any or all of these vehicles remain on the above property after the deadline date shown, they will be removed by the City of Fargo. Junked vehicles removed by the City will be disposed of immediately.

The Fargo Land Development Code 20-701-5-D states all off-street front and side parking areas shall have an all weather surface. Rear yard parking spaces may be surfaced with gravel. LDC 20-1202.9 defines of an all weather surface as any surface which is durable and reasonably free of dust or mud. Such surfaces shall include, but not be limited to concrete, asphalt, paving blocks, brick, and other materials intended for outdoor motor vehicle use; but shall not include dirt, grass, or gravel.

Vehicle Description	License # and Exp. Date	State
Black Ford Bronco	EBM594, 12/02	ND

Registered Owners:

Garry L. Bjelde at same address		



29

TO: BOARD OF CITY COMMISSIONERS

FROM: KIM LIPETZKY, PUBLIC HEALTH NUTRITIONIST, FARGO CASS PUBLIC HEALTH KL

DATE: MAY 14, 2020

SUBJECT: POLICY RECOMMENDATIONS REGARDING BOULEVARD GARDENING

At the May 4, 2020 City Commission meeting, there was a motion directing appropriate staff to develop a set of interim policy recommendations regarding boulevard gardening with a sunset date of September 30, 2020.

Attached for your consideration are policy recommendations which include the terms and conditions of a boulevard gardening program, a flyer for residents describing specifics of the program and an application form.

REQUESTED MOTION: Approve the policy on boulevard gardens and authorize the director of health or its designee to issue a permit that includes encroachment rights.

Boulevard Gardens Public Right-of-Way Application

Terms and Conditions

I. PLACEMENT AND INSTALLATION OF BOULEVARD GARDENS

Agreement to these terms and conditions is part of the boulevard garden application process allowing residents to plant turf or native grasses, plants, cultivated flowers, wildflowers, fruits and vegetables on the boulevard until September 30, 2020. The following terms and conditions are to maintain the safety of the right-of-way.

A. Definitions and Specifications

Boulevard: The public right-of-way lying between the property line and sidewalk, and between the sidewalk and the roadway, or where no sidewalk exists, between the property line and the roadway. Sidewalk and pedestrian ramps adjacent to boulevard areas must be in compliance with all ADA standards prior to installation of any boulevard plantings.

No work may be initiated prior to the approval from the City of Fargo.

Boulevard Gardens: Plantings may not exceed 24 inches in height and must be maintained with no encroachment or overhang onto the adjacent sidewalk, curb, or street. Edge must be within one foot of outermost planting. All boulevard gardens must not disturb the "drip line" (branch tips and inward) from existing trees in order to minimize tree root damage. Shredded hardwood mulch must be used around plants to prevent soil erosion. The final mulch surface must be no higher than the adjacent curb, sidewalk, and/or ground. River rock or similar aggregate material is prohibited in areas of boulevard plantings. (Source: MPCA, EPA).

B. Application and Approval

The Boulevard Gardens program materials and application will be housed on the www.letseatlocal.org website administered through Fargo Cass Public Health. Approval of said permit will only be granted to the property owner.

The Boulevard Planting application shall include:

1. A completed application form which provides an inventory listing of proposed plantings and a design plan; and,
2. A signed agreement by property owner acknowledging boulevard plantings will be completed in accordance with the terms and conditions.

Planting activity may be subject to inspection if deemed necessary. APPLICANT will receive notification of approval via mail and/or email.

C. Damage by APPLICANT

It is the responsibility and duty of the APPLICANT to call North Dakota One Call @ 811 to locate utilities. Anyone that will be excavating in the state of ND is required to call the One Call center a minimum of two (2) business days before excavation of any portion of the boulevard. Any damage to the public right-of-way, City utilities or equipment, or any private utility thereon caused by APPLICANT's permitted installation or construction operations shall be repaired or replaced at the APPLICANT's expense. Repairs completed by the City or a private utility will be billed to the APPLICANT. Failure to compensate for damages and/or repairs will be grounds for revocation of the application.

II. MAINTENANCE OF BOULEVARD GARDENS

A. Public Use of Right-of-Way

The City reserves the right to take any action deemed necessary, in its sole and reasonable discretion, to repair, maintain, alter, or improve the public right-of-way in connection with City operations. The City retains the right to excavate, or to issue permits for excavation of, all boulevard plantings, without notice, in any and all cases of emergency.

The City reserves the right to issue permits to private utilities to install, operate, and maintain facilities in the right-of-way. Said permitted use shall take priority over permitted boulevard plantings.

In the event the city or permitted utility owners interfere with boulevard plantings in the course of such work, the city or utility owner shall be responsible only to restore the boulevard to a grassy state. In no event shall the city or utility owners be liable for any damage to, disruption of, or removal of boulevard plantings, either direct or indirect, as a result of the city or permitted private utilities performing any installation, maintenance, or repairs in the public right-of-way.

B. APPLICANT Responsibilities

1. Frequent maintenance is required for boulevard gardens. At a minimum, maintenance must address:

- a. Removal of weeds or invasive plants;
- b. Removal of accumulated sediment;
- c. Removal of trash, leaves, grass clippings, or other debris; and
- d. Repairing areas of bare soil or erosion.

2. If an approved boulevard garden is found to be in violation of any maintenance requirement or is found to be a nuisance, the APPLICANT shall immediately correct the violation. Failure to correct violations in a timely manner will result in the removal of the plantings, including restoration to turf, at the APPLICANT's cost. The necessary costs and expenses of such removal shall be chargeable and assessed against the property, and shall be a lien upon such premises. Assessment of costs and expenses shall be in accordance with Article 3-17 of the Fargo Municipal Code.

III. INDEMNIFICATION

APPLICANT shall, to the extent permitted by law, indemnify and hold the City harmless against any and all claims of liability or loss from personal injury or property damage resulting from, arising out of, or in any way related to the use and/or occupancy of the City's public right-of-way by the APPLICANT, its employees, contractors or agents, APPLICANT agrees to defend, indemnify and hold harmless the City and the City's employees, representatives and assigns from and against any and all liability, damages, penalties, judgments or claims of whatever nature arising from injury to person or property sustained by anyone arising out of APPLICANT'S use and/or occupancy, including its installation, operation, maintenance, repair, removal and presence of APPLICANT'S facilities, structures, equipment or other improvements, of or in the City's public right-of-way and will, at APPLICANT'S own cost and expense, defend any and all suits or actions (just or unjust) which may be brought against the City or in which the City may be joined with other parties upon any such above-mentioned matter, claim or claims. This indemnity and hold harmless agreement includes indemnity against all costs, expenses and liabilities incurred in or in connection with any such claims or proceedings brought thereof. This provision does not apply to such claims or damages which are due to or caused by the willful misconduct of the City, or its employees, contractors or agents. This indemnification provision will survive the termination of any right-of-way agreement.

IV. INSURANCE

APPLICANT must maintain general liability insurance at all times during the term of this agreement. Proof of insurance must be provided to the City with a Certificate of Liability Insurance describing the limits of coverage and naming the City of Fargo as an additional insured party. Proof of insurance must be received by the City before said permit is issued. By signing these Terms and Condition, APPLICANT certifies it will maintain the specified coverage during the entire term of the agreement. Any Cancellation Policy statement must read: "Should any of the above described policies be canceled or modified before the expiration date thereof, the issuing company will mail thirty (30) calendar days written notice to the certificate holder named as the additional insured, but shall impose no obligation or liability of any kind upon the company, its agents, or representatives."

V. LIMITATION OF LIABILITY

The City will not be liable to the APPLICANT, or any of its respective agents, representatives, employees for any lost revenue, lost profits, loss of technology, right or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise.

VI. TERMINATION

APPLICANT agrees and acknowledges that any Boulevard Garden approval granted may be terminated for any number of reasons, including, but not limited to: (1) breach of any of the terms and conditions contained herein; (2) determination by the City that, it is in the best interest of the City to terminate the

agreement for the health, safety and welfare of the City. Any such termination requires thirty (30) day written notice from the City to APPLICANT; (3) APPLICANT may terminate this agreement at any time with written notice to the City.

The issued permit is only valid for the 2020 growing season and shall expire on September 30, 2020.

VII. ASSIGNMENT

The Boulevard Garden agreement may not be transferred or assigned without written consent of the City.

VIII. COMPLIANCE

APPLICANT agrees and acknowledges that APPLICANT is solely responsible for ensuring compliance with all local, State and Federal laws and regulations.

APPLICANT hereby acknowledges receipt of these Terms and Conditions and further acknowledges APPLICANT agrees to and understands the provisions contained herein.

APPLICANT/PROPERTY OWNER

Date: _____, 2020

_____ Print Name

_____ Signature

Boulevard Gardens

With approval from the City, planting is allowed in the boulevard. The boulevard is the public right-of-way lying between the property line and sidewalk, and between the sidewalk and the roadway, or where no sidewalk exists, between the property line and the roadway. To check if these features are feasible for your site please review the information below.

Feasibility

Check existing covenants to assure planting in the boulevard is allowed in your development

An application, signed Terms and Conditions agreement, and approval is required

Must contact ND One Call "811" for utility locations at least 48 hours before digging

Plantings must not interfere with utilities

Planting Requirements

Plants may not exceed 24 inches in height

Plants must be maintained with no overhang or encroachment onto the sidewalk, curb, or street.

Edge must be within one foot of outermost planting

Plants must not be installed within the drip line of an existing tree(s)

Choose the right location and mix of plants to ensure you have a full season of blooms

Use shredded hardwood mulch around plants to prevent soil erosion (river rock or similar aggregate is prohibited)

Final mulch surface shall be flush with the curb or sidewalk

Boulders and structures such as retaining walls, fences, and steps are prohibited.

Resources

NDSU Extension – Cass County is an excellent resource for horticulture and gardening questions:

<https://www.ag.ndsu.edu/casscountyextension/horticulture>

Contact Don Kinzler at: donald.kinzler@ndsu.edu

NDSU Soil Testing is a resource for residents wanting to analyze their soil.

https://www.ndsu.edu/fileadmin/snrs/Files/lawn_and_garden_.pdf

Visit www.letseatlocal.org for information, permit application form, and terms and conditions; or contact Kim Lipetzky at klipetzky@fargond.gov.



Public Health
Prevent. Promote. Protect.
Fargo Cass Public Health

CITY OF FARGO

FARGO CASS PUBLIC HEALTH

BOULEVARD GARDEN PERMIT APPLICATION

APPLICANT NAME	PHONE	EMAIL ADDRESS		
ADDRESS		CITY	STATE	ZIP CODE
ND CALL ONE TICKET NUMBER		CONSTRUCTION START	CONSTRUCTION END	

LIST OF PROPOSED PLANTINGS:

BOULEVARD PLANTINGS LOCATION (Describe specific area):

DESCRIPTION OF WORK (Attach detailed drawing of plans):

ACKNOWLEDGEMENT

By signing this application, I (the applicant) agree to adhere to all provisions, codes and statues of the City of Fargo, in addition to the terms and conditions which are attached to this document.

Printed Name of Applicant

Signature

Date

APPROVED BY _____ DATE _____
(Fargo Cass Public Health Representative)

SEND APPLICATION TO:
Fargo Cass Public Health
1240 25th Street South
Fargo ND 58103-2367
Or email to: klipetzky@fargond.gov

For more information, please call (701) 241-8195

Revised 05/12/20

(30)

TO: BOARD OF CITY COMMISSIONERS

FROM: KENT COSTIN, DIRECTOR OF FINANCE *KC*

RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL

DATE: May 8, 2020

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

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

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$1,432,479.03.

May 8, 2020

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

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #101 pursuant to the terms and conditions of House Bill 1020 for costs incurred from March 1, 2020 to March 31, 2020 on the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$1,432,479.03.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$218,446,205.10	\$447,649.00	100%	\$447,649.00	
		1,969,660.06	50%	984,830.03	
		\$2,417,309.06		\$1,432,479.03	\$90,621,315.87

Project Narrative, this request:

Project Number	Project Description
V01201	Soil boring payments to landowners
V01701	Land purchase for homeowner living in the southern embankment area
V01701	Relocation assistance for homeowners living in the upstream mitigation and red river control structure areas
V01704	Right of entry for biotic and geomorphic services
V03901	Pay application #4 for WP 43E.2F - Riverbend road removals
V05402	Land purchase and pay application #20 for flood risk management project in Rosewood area - University Drive to the Milwaukee Trail
V05403	Pay application #6 for house demolition and site restoration in the areas of Roberts 2 nd , Belmont Park, Copperfield, and Chrisan 1 st Additions.
V05404	Pay application #4 for flood risk management project at Copperfield Court and Oakcreek
V05405	Pay application #3 for flood risk management project in Belmont Park Area, phase 2
V05406	Cass County Electric aid to construction - Drain 27 lift station #56
V05411	Land purchase for Oak Grove in-town levee project
V05416	Mickelson Field storm lift #29 - remove concrete
V05421	Backfill old borrow pit site

We certify that \$90,429,021 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of SB 2020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in SB 2020. Copies of their approval letters are included.

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

Sincerely,



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

Required Local Approvals:

City of Fargo

Cass County Commission

Cass County Joint Water Resource Dist.

**FM Metropolitan Area Flood Risk Management Project
Summary of Cash Disbursements Eligible for SWC Funding
March 2020**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Expense Description	Project Number	Project Description
790-0000-206.10-00	3/12/2020	302982	LANDWEHR CONSTRUCTION INC	3,712.50	Pay Vendor Retainage	V03901	DEMO RIVERBEND ROAD
			Total Retainage	3,712.50			
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	3,250.00	DAVID GERMANSON	V01201	Cass Joint Water ROE
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	750.00	DOUGLAS SHERMAN	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	375.00	BRENT OLSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	375.00	KERI OLSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	750.00	KATHLEEN HANSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	1,500.00	WAYNE FREEDLAND	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	1,500.00	CAROL FREEMAN	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	750.00	KIM HOFFMAN	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	750.00	GENE LOCKWOOD	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	375.00	JOE LOUWAGIE	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	375.00	CASSIE LOUWAGIE	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	750.00	JON LARSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	750.00	MARY ADAMS	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	750.00	DALE FLESBERG	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	750.00	RANDAL WOODLEY	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	375.00	GRETA EVENSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	375.00	SEAN EVENSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	375.00	CHRISTOPHER JOHNSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	375.00	DAWN MCKINNON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	750.00	DANIEL PETERSON	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	375.00	NEIL LANDSTROM	V01704	ND LAND - BIOTIC GEO MORP
790-7930-429.34-65	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	375.00	STEPHANIE LANSTROM	V01704	ND LAND - BIOTIC GEO MORP
			Total LERRDS - North Dakota - Right of Entry Requests	18,250.00			
790-7930-429.67-11	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	3,360.00	JOSEPH MERZ	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.67-11	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	524.00	ND GUARANTY & TITLE CO	V01701	ND LAND PURCH-OUT OF TOWN
			Total LERRDS - North Dakota - Residential Relocation Assistance	3,884.00			
790-7930-429.71-30	3/5/2020	302808	CASS COUNTY JOINT WATER RESOURCE DI	1,204,858.00	Terry & Kay Compson	V01701	ND LAND PURCH-OUT OF TOWN
			Total ND Construction - Land Purchases	1,204,858.00			
790-7950-429.38-99	3/13/2020	J815190013	CITY OF FARGO-AUDITORS OFFICE	62,965.58	CASS COUNTY ELECTRIC-4100	V05406	DRAIN 27 LIFT STATION #56
790-7950-429.68-10	3/13/2020	J815190013	CITY OF FARGO-AUDITORS OFFICE	2,622.00	KEY CONTRACTING INC	V05416	FLOOD MIT-MICKELSON FIELD
			Total ND Construction - Other Services	65,587.58			
790-7950-429.71-30	3/31/2020	J803200028	CITY OF FARGO-AUDITORS OFFICE	90,305.75	Judie Vanevoort	V05402	DEMO/LEVEE/WALL-ROSEWOOD
790-7950-429.71-30	3/31/2020	J803200028	CITY OF FARGO-AUDITORS OFFICE	12,600.00	Bruce & Carol Schmidt	V05411	FLOOD MIT-OAK GROVE AREA
			Total ND Construction - Land Purchases	102,905.75			

**FM Metropolitan Area Flood Risk Management Project
Summary of Cash Disbursements Eligible for SWC Funding
March 2020**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Expense Description	Project Number	Project Description
790-7950-429.73-20	3/13/2020	JB15190013	CITY OF FARGO-AUDITORS OFFICE	26,904.65	DESIGNER HOMES OF FARGO-M	V05421	BACKFILL OLD BORROW PIT
Total ND Construction - Site Improvements				26,904.65			
790-7950-429.73-52	3/13/2020	JB15190013	CITY OF FARGO-AUDITORS OFFICE	150,489.50	KEY CONTRACTING INC	V05404	LEVEE-OAKCREEK/COPPERFLD
790-7950-429.73-52	3/13/2020	JB15190013	CITY OF FARGO-AUDITORS OFFICE	578,546.63	INDUSTRIAL BUILDERS INC	V05405	LEVEE/FLOODWALL - BELMONT
790-7950-429.73-52	3/13/2020	JB15190013	CITY OF FARGO-AUDITORS OFFICE	241,626.34	INDUSTRIAL BUILDERS INC	V05402	DEMO/LEVEE/WALL-ROSEWOOD
790-7950-429.73-52	3/13/2020	JB15190013	CITY OF FARGO-AUDITORS OFFICE	20,544.11	DIRT DYNAMICS	V05403	DEMO - CITYWIDE
Total ND Construction - Flood Control				991,206.58			
Total Expense for Period				2,417,309.06			

CITY OF
Fargo
ASSESSMENT DEPARTMENT

3/a

May 7, 2020

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

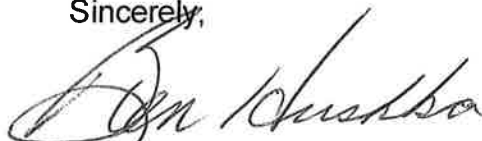
Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4336 Carrie Rose Ln S as submitted by Bradley & 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 the years 2020, 2021 & 2022.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$490 with the City of Fargo's share being \$85.

Sincerely,



Ben Hushka
City Assessor

bsb
attachment

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

Property Identification

1. Name of Property Owner	Bradley & Ann Williams		Phone No.	(701) 232-6789
2. Address of Property	4336 Carrie Rose Ln S			
City	FARGO	State	ND	Zip Code 58104
3. Legal description of the property for which the exemption is being claimed.	Lt 15, Blk 1, Summit Chase			
4. Parcel Number	01-2940-00150-000	Residential <input checked="" type="checkbox"/>	Commercial <input type="checkbox"/>	Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	Same			
City		State		Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	Remodel master bath
7. Building Permit No.	190125
8. Year Built	1991
9. Date of Commencement of making the improvement	February 2019
10. Estimated market value of property before improvement	\$ 484,400
11. Cost of making the improvement (all labor, material and overhead)	\$ 90,000
12. Estimated market value of property after improvement	\$

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature <u>Ann E. Williams</u> Date <u>5-6-19</u>

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): <u>3 YEARS FOR QUALIFYING WORK</u>
Assessor's Signature <u>Don Quacken</u> Date <u>5/7/20</u>

Action of Governing Body

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

CITY OF
Fargo
ASSESSMENT DEPARTMENT

316

April 28, 2020

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

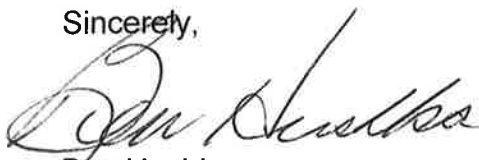
Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1416 1 Ave S as submitted by Kjera Properties I LLC. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2020, 2021, 2022, 2023 & 2024.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$920 with the City of Fargo's share being \$155.

Sincerely,



Ben Hushka
City Assessor

bsb
attachment

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

Property Identification

1. Name of Property Owner	KJERA PROPERTIES I LLC		Phone No.	701-306-4702
2. Address of Property	1416 1 AVE S			
City	FARGO	State	ND	Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	EDDY & FULLERS AUDITORS OUTLOTS BLOCK 12 LOT W 41 OF A			
4. Parcel Number	01-0700-00680-000	Residential <input checked="" type="checkbox"/>	Commercial <input type="checkbox"/>	Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	8701 UNIVERSITY DR S			
City	FARGO	State	ND	Zip Code 58104

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	REMOVE AND REPLACE INTERIOR SHEETING, RESIDE DWELLING
7. Building Permit No.	170258
8. Year Built	1880
9. Date of Commencement of making the improvement	2017
10. Estimated market value of property before improvement	\$ 40,000.00
11. Cost of making the improvement (all labor, material and overhead)	\$ 70,000.00
12. Estimated market value of property after improvement	\$ 130,000.00

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature	Date 4-25-20

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK	
Assessor's Signature	Date 4/28/20

Action of Governing Body

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

CITY OF
Fargo
ASSESSMENT DEPARTMENT

(310)

May 4, 2020

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3413 Bohnet Blvd N as submitted by Courtney & Kelly Schutt. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2020, 2021, 2022, 2023 & 2024.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$210 with the City of Fargo's share being \$35.

Sincerely,



Ben Hushka
City Assessor

bsb
attachment

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

Property Identification

1. Name of Property Owner	Courtney & Kelly Schutt	Phone No.	701-730-6286
2. Address of Property	3413 Bohnet Blvd N		
City	FARGO	State	ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed.	Lt 24 Blk 3 Golf Course 3rd		
4. Parcel Number	01-1005-00510-000	Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>	
5. Mailing Address of Property Owner	Same		
City		State	Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	Finish lower level
7. Building Permit No.	189007
8. Year Built	1979
9. Date of Commencement of making the improvement	5-1-18
10. Estimated market value of property before improvement	\$ 326,000
11. Cost of making the improvement (all labor, material and overhead)	\$ 16,100
12. Estimated market value of property after improvement	\$ 379,400 (2019)

Applicant's Certification and Signature

I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature	Courtney Schutt
Date	4-30-2020

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):	5 YEARS FOR QUALIFYING WORK
Assessor's Signature	Don Anderson
Date	5/5/20

Action of Governing Body

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



ASSESSMENT DEPARTMENT

31dc

May 12, 2020

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 421 23 St S as submitted by Guy Thomas Jr. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2020, 2021, 2022, 2023 & 2024.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$330 with the City of Fargo's share being \$55.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Hushka", written over a horizontal line.

Ben Hushka
City Assessor

bsb
attachment

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

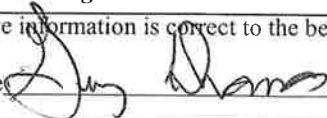
Property Identification

1. Name of Property Owner	Guy Thomas Jr	Phone No.	(701) 261-1958
2. Address of Property	421 23 St S		
	City	FARGO	State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	Lt 6A Blk 22 Egbert, O'Neil & Haggarts		
4. Parcel Number	01-0740-02040-000	Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>	
5. Mailing Address of Property Owner	604 Wall Street Ave N		
	City	Moorhead	State MN Zip Code 56560

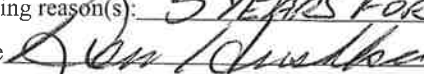
Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	Interior demo & remodel
7. Building Permit No.	8. Year Built 1953
9. Date of Commencement of making the improvement	5-1-20
10. Estimated market value of property before improvement	\$ 65,900
11. Cost of making the improvement (all labor, material and overhead)	\$ 25,000
12. Estimated market value of property after improvement	\$ 90,000

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature  Date 4-1-20

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):	5 YEARS FOR QUALIFYING WORK
Assessor's Signature  Date 5/13/20	

Action of Governing Body

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



32

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

May 14, 2020

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

RE: Agreement with Fargo Municipal Airport Authority to extend notice-of-termination date in Memorandum of Agreement

Dear Commissioners,

This is regarding the Agreement entered into earlier this year with the Fargo Municipal Airport Authority ("MAA"). Your approval is sought by this letter to extend the "notice deadline" of July 1, 2020, for a period of no more than three months. An Agreement memorializing the terms is enclosed.

Under the MOU entered into between the City and the MAA, the initial term of the agreement was for a single year, ending December 31, 2020, with an automatic renewal for an additional three years unless either party gave notice before July 1, 2020, of its intention to terminate the MOU. The MOU contains a substantial list of tasks to be initiated immediately; however, circumstances have impeded progress on the task list—most notably the COVID-19 pandemic—and leadership for the City and MAA are seeking approval for this extension.

The proposed agreement would extend the termination notice date from July 1, 2020, to September 1, 2020, and would authorize a further extension of an additional month by agreement of the Chair of the MAA and the Mayor.

SUGGESTED MOTION: I move to approve the agreement to extend the notice-of-termination date in the Agreement with the Fargo Municipal Airport Authority, as proposed.

Sincerely,

Erik R. Johnson

Enclosure



AGREEMENT

THIS AGREEMENT is entered into by and between the **CITY OF FARGO**, a North Dakota municipal corporation (hereinafter referred to as "City") and the **MUNICIPAL AIRPORT AUTHORITY OF THE CITY OF FARGO** (hereinafter referred to as "MAA") a municipal airport authority established under the authority of N.D.C.C. Ch. 2-06.

WITNESSETH:

WHEREAS, the City and the MAA entered into a Memorandum of Understanding (hereinafter referred to as "Memorandum") on January 14, 2020 with an effective date of January 1, 2020; and,

WHEREAS, the Memorandum serves as an amendment to the 1969 Agreement (as amended in 1970) between the City and the MAA as it relates to the relationship between the two entities; and,

WHEREAS, the Memorandum further outlines the term(s) of the agreement between the parties as set forth in Section 13 of the Memorandum; and,

WHEREAS, the Memorandum provides for an initial one (1) year term from and after the effective date of January 1, 2020; and,

WHEREAS, Memorandum provided that the agreement between the parties may be terminated by either party at the end of the initial one-year term upon written notice of termination delivered to the other party on or before July 1, 2020; and,

WHEREAS, the current circumstances of dealing with the COVID19 pandemic and the effect it has had on the operations of daily life and business and in an effort to further explore the working relationship between the parties pursuant to the Memorandum, the parties wish to extend the initial written notice of termination of July 1, 2020; and,

NOW, THEREFORE, it is hereby agreed by and between the parties for good and valuable consideration, the sufficiency of which is acknowledged by all parties, as follows:

1. The City and the MAA agree to extend the initial notice of termination date of July 1, 2020 for a term of two months with said two-month extension set to expire on September 1, 2020.
2. The Chairman of the MAA and the Mayor of the City are authorized to agree to a further extension of up to one month by mutual written instrument signed by each, or by the Vice-Chair of the MAA or the Deputy Mayor in the absence of the Chair or the Mayor as the case may be, said additional extension expiring no later than October 1, 2020.

3. All other terms of the Memorandum of Understanding by and between the parties shall remain in full force and effect.

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

[Remainder of page left blank – execution pages to follow]

**THE MUNICIPAL AIRPORT AUTHORITY OF THE
CITY OF FARGO, NORTH DAKOTA**

By: _____
Tammy A. Linn, Chairman

By: _____
Shawn A. Dobberstein, A.A.E., Executive Director

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

On this ____ day of _____, 2020, before me, a notary public in and for said county and state, personally appeared **TAMMY A. LINN** and **SHAWN A. DOBBERSTEIN, A.A.E.**, to me known to be the Chairman and Executive Director, respectively, of **THE MUNICIPAL AIRPORT AUTHORITY OF THE CITY OF FARGO**, the entity which is described herein and acknowledged to me that said entity executed the within and foregoing instrument and acknowledged to me that said entity executed the same.

Notary Public

CITY OF FARGO,
a North Dakota municipal corporation

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

ATTEST:

Steven Sprague, City Auditor



33

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

May 14, 2020

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

**RE: Moratorium allowing on-sale alcoholic beverage sales with “take-out” meals—
extension of moratorium**

Dear commissioners,

You may recall that at your April 20th regular meeting you approved an extension of the COVID-19 related moratorium that permitted alcoholic beverage sales to accompany a take-out meal. The moratorium will expire on Monday night (May 18th) unless the City Commission approves a further extension.

The temporary moratorium was initially established by you at your March 23 meeting and you extended it on April 20 for another four weeks—to 11:59 p.m. May 18th. A copy of the original moratorium language is enclosed for your reference.

Assuming you would like to continue the moratorium, I have provided a suggested motion, below. As a sort of “default date” I have extended the moratorium for an additional four-week period—to end at 11:59 p.m. following the City Commission meeting scheduled for that date.

SUGGESTED MOTION: With respect to the resolution establishing a moratorium pertaining to the retail sale of alcoholic beverages initially approved by the City Commission on March 23, 2020, and extended on April 20, 2020, I move to extend the moratorium until 11:59 p.m. on Monday, the 15th day of June, 2020, unless it is otherwise terminated or further extended by resolution or motion of the Board of City Commissioners of the City of Fargo.

Sincerely,

Erik R. Johnson

Enclosure



[[text of original moratorium – March 23, 2020]]

RESOLUTION

[MORATORIUM PERTAINING TO THE RETAIL SALE OF ALCOHOLIC BEVERAGES]

WHEREAS, The Mayor has declared a state of emergency as a result of the COVID-19 pandemic, by order and proclamation of March 16, 2020; and

WHEREAS, The Governor of the State of North Dakota, declared, by executive order of March 19, 2020, that, “[e]ffective at 12:00 p.m., Friday, March 20, all restaurants, bars, breweries, cafes and similar on-site dining establishments are closed to on-sale/on-site patrons; take-out, delivery, curbside, drive-through or off-sale services may continue; this requirement will continue through Monday, April 6, 2020; and

WHEREAS, The City’s “state of emergency” ordinance authorizes the Mayor and City Commission to, among other things, “. . . [p]rohibit or limit the movement of persons or hours of operation of businesses, by curfew or otherwise, within the designated disaster or emergency area, and the occupancy of premises therein” and to “. . . [l]imit or prohibit the sale, dispensing or transportation of alcoholic beverages . . .” [F.M.C. Section 10-0318]; and

WHEREAS, North Dakota cities are authorized to enact or adopt all such ordinances, resolutions, and regulations, not repugnant to the constitution and laws of this state, as may be proper and necessary to carry into effect the powers granted to such [cities] . . . as the general welfare of the municipality may require . . .” including the power “[t]o regulate the use and . . . sale of alcoholic beverages . . .” [N.D.C.C. §40-05-01 subd. 1 and 29]; and

WHEREAS, It is hereby found and declared that the health, safety and welfare of the City and its occupants will be benefited by providing appropriate means for the delivery of meals, including beverages, to individuals and families that fosters appropriate social distancing for the curbing of the COVID-19 pandemic;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. **MORATORIUM ESTABLISHED.** A moratorium is hereby established as to the enforcement within the jurisdictional limits of the City of Fargo of Article 25-15 of the Fargo Municipal Code, as follows:
 - a) **On-sales.** As to licensed restaurants within the City of Fargo that are also licensed for on-sale serving of alcoholic beverages, the sale of sealed cans or bottles of alcoholic beverages to customers taking delivery of prepared food or meals from the restaurant on a “take-out”, “curbside delivery”, “drive-through” or employees of said restaurant or by other lawful means of delivery shall be deemed to be “on-sale” service or sale of such beverages. Delivery of meals only—without any accompanied sale of alcoholic beverages—may be delivered by agents or 3rd party meal-delivery-services.
 - i) For purposes of this moratorium, the definition of the term “on-sale”, as set forth in Section 25-1501 (16) of the Fargo Municipal Code, limiting the “. . . sale of alcoholic beverages for consumption only on the licensed premises . . .” shall be enforced such that sealed cans or bottles of alcoholic beverages along with such food or meals sold

by the restaurant and served or delivered by means of such "take-out", "curbside delivery", "drive-through" or other such lawful means are hereby deemed to have been consumed on the licensed premises so long as said beverages are accompanied by food purchased from the restaurant.

2. **Mayor Authorized to Implement by Further Order or Orders.** The Mayor of the City is hereby authorized to promulgate and issue one or more executive orders as may be necessary to implement and clarify the terms of this moratorium, under the authority of F.M.C. §10-0318 and hereof, which executive orders may be further ratified or amended by the Board of City Commissioners as may be necessary or appropriate.
3. **Effect of Moratorium – Limitation of Enforcement.** This moratorium as to the enforcement of certain regulations or ordinances of the City shall be serve to instruct, order and limit the police officers and prosecutors of the City or any other law enforcement officers or agents to refrain from enforcing City Ordinances contrary to the terms hereof and to refrain from charging or citing persons, firms or other entities accordingly and, furthermore, said instruction, order and limitation in enforcement shall survive the termination of this moratorium, whether such termination occurs by lapse of time or by affirmative act.
4. **Effective Date and Term.** This moratorium shall take effect immediately upon the adoption hereof [the "Effective Date"] and shall extend until 11:59 p.m. on the 20th day of April, 2020, unless it is otherwise terminated or extended by resolution or motion of the Board of City Commissioners of the City of Fargo.

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: NICOLE CRUTCHFIELD, PLANNING & DEVELOPMENT DIRECTOR

DATE: MAY 14, 2020

RE: COVID COMMUNITY RESPONSE AND PARTNERSHIPS

PPC WLC

With the onset of the pandemic, the Planning and Development Department has reached out to our partners in social services and community development. Through our community conversations, we have identified three specific recommendations in responding to COVID-19.

- 1) The 2-1-1 hotline, answered locally by First Link is looking at current and long term needs related to increased call volumes. To date, they have received 973 COVID-related calls since early March. The specific request is to support an evening staff position for First Link. Funding for First Link comes from many organizations including the State of North Dakota, Dakota Medical Foundation and United Way. Estimated costs of this request are \$40,000. Suggested source of funds is through State reimbursements.
- 2) Through state reports, we are identifying an increased need for communication and assistance for families and individuals who may have barriers to accessing social service systems. Staff recommends collaborating with United Way and the ESHARA Partners, which has been in existence for the past two years. Ethnic Self-Help Alliance for Refugee Assistance is a coordination endeavor of four non-profits who collectively support family assistance, translation services, clear messaging, and direct education support in addition to workforce development. They would serve as ambassadors for City and State messaging related to COVID. Estimated costs are \$160,000. Suggested source of funds is through State reimbursements.
- 3) The State of North Dakota in partnership with Fargo, Grand Forks and Bismarck has set up a rental assistance bridge. This program has been developed and administrated by the state and is slowly being rolled out through community action networks. Staff suggests aligning the City of Fargo's CDBG COVID-19 allocation. Estimated allocation equals \$464,253. Suggested source of funds is City's CDBG-COVID allocation.

We estimate that these three programs will begin to fill identified gaps in the social service system while directly responding to community members in need as a direct result of COVID-19. All of these programs include private partnerships in conjunction with multiple governmental agencies with the goal of streamlining and cutting duplications.



Staff plans to coordinate all of these programs to meet CDBG HUD rules, in an effort to use a standard. However, it should be noted that HUD guidance has not yet been fully published, other than stating that this source should be the final gap filler in order of spending. Staff intends to communicate with our finance team throughout the use of funds for these programs.

Recommendation: Authorize finalizing the partnerships for these programs by executing recipient agreements, subject to CDBG regulations and legal review.

