FARGO CITY COMMISSION AGENDA
Monday, May 3, 2021 - 5:00 p.m.

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

A. Pledge of Allegiance.

B. Roll Call.

C. Approve Order of Agenda.

D. Minutes (Regular Meeting, April 19, 2021).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. 2nd reading and final adoption of the following Ordinances; 1st reading, 4/19/21:
   a. Rezoning Certain Parcels of Land Lying in Reeves Addition.
   b. Rezoning Certain Parcels of Land Lying in Madelyn's Meadows Fourth Addition.
   c. Rezoning Certain Parcels of Land Lying in Asleson Farms Fourth Addition.

2. Applications for Games of Chance:
   a. Lend A Hand Up for a raffle on 9/14/21.
   b. TNT Kid's Fitness for a raffle on 5/13/21.
   c. UND Alumni Association and Foundation for a raffle on 6/23/21.
   d. Davies Theatre Parent Group for a calendar raffle from 5/20/21 to 5/23/21.

3. Bid award for pavement condition assessment and data processing (RFP21059).

4. Farm Lease (Oak Grove) with Chad Johnson and Kyle Johnson for property located at 5636, 5638, 6054 and 6056 Veterans Boulevard South.

5. Purchase Agreement, Permanent Easement (Levee and Retaining Wall for Flood Control) and Easement (Temporary Construction Easement) with John S. Peterson and Shirley J. McCaslin Revocable Trust (Project No. FM-19-E).

6. Amendment (First) to Right of Way Use Agreement with PSJ Acquisition, LLC d/b/a Prairie St Johns, ALPA Construction, Inc.

7. Amendment (Second) to Right of Way Use Agreement with Great Plains Mercantile Holdings, LLC.

8. Construction Conditions Agreement for the Fargo-West Fargo Natural Gas Project with Xcel Energy.

9. Change Order No. 2 for an increase of $15,491.50 for Project No. HD-19-A1.

10. Change Order No. 4 for an increase of $7,204.00 for Project No. UR-20-A1.

11. Contract Amendment No. 3 with Houston Engineering in the amount of $31,000.00 for Project No. FM-19-B0.

12. Bid awards for Project Nos. FM-19-B1 and FM-19-E1.

13. Bid award for repair and maintenance of the outdoor canopies at the FARGODOME (RFP21089).

14. Bid award for replacement of the food and beverage point of sale system at the FARGODOME (RFP21090).

15. Sole Source Procurement with RL Engebretson for project management services at the Newman Outdoor Stadium (SSP21102).

16. Delegation of Authority from the ND State Fire Marshal for the Fargo Fire Department.

17. Notice of Grant Award with the ND Department of Health for the Ryan White Part B Program (CFDA #93.917).

18. Agreement for Services with Fargo-Moorhead Metro COG.

19. Notice of Grant Award (Amendment) with the ND Department of Health for Women's Way (CFDA #93.898).

20. Set May 17, 2021 at 5:15 p.m. as the date and time for a hearing on a dangerous building at 1426 4th Avenue North.

21. Resolution Approving Plat of Brewhalla Addition.

22. Amendment No.1 of Subrecipient Agreement with Afro American Development Association.

23. Bid award for hoist replacement at the Metro Transit Garage (RFQ21072).

24. Contracts and bonds for Project Nos. FM-19-A1 (general), FM-19-F1, SL-21-A1 and TR-21-A1.

25. Bills.

26. Amendment to Purchase Agreement with Sanford North for Improvement District No. BN-21-A1.

27. Easement (Temporary Construction Easement) and Permanent Easement (Storm Sewer) with Robert L. Nelson Revocable Trust (Improvement District No. UN-21-A1).

28. Estimated Payments to Century Link in the amount of $3,426.10 and Consolidated Communications in the amount of $9,465.00 for the relocation of private utilities contingent upon relocation by 6/1/21 (Improvement District No. PR-21-G1).

29. Negative Final Balancing Change Order No. 4 in the amount of -$146,214.39 for Improvement District No. BN-20-C1.

30. Bid award for Improvement District Nos. BN-21-C1, BN-21-G1 and UN-21-A1.

31. Create Improvement District Nos. BN-21-H and NR-20-A.

32. Contract and bond for Improvement District No. BN-20-A1.

REGULAR AGENDA:

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

34. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
    a. Amendments to 2020 Action Plan HOME Investment Partnerships Program.

    b. Covey Ranch First Addition (6688 45th Street South); approval recommended by the Planning Commission on 1/5/21; continued from the 4/19/21 Regular Meeting:
        1. Zoning Change from AG, Agricultural to P/I, Public and Institutional.
        2. 1st reading of rezoning Ordinance.
        3. Plat of Covey Ranch First Addition.

    c. Plat of L. J. Laffen Addition a plat of a portion of the Northeast Quarter of Section 7, Township 139 North, Range 48 West (417 and 501 Main Avenue).

    d. Renaissance Zone Project for 501 Main Ave DevCorp, LLC for a new construction project at 501 Main Avenue and a portion of 417 Main Avenue.

    e. Application for a Class "FA-Entertainment" Alcoholic Beverage License for Fargo Ts LLC d/b/a Suite Shots to be located at 3400 James Way.

    f. Hearing on a dangerous building located at 1648 8th Avenue South.

    g. Hearing on a dangerous building located at 1418 1st Avenue North; continued from the 1/11/21 Regular Meeting.

35. COVID-19 Update:
    a. Fargo Cass Public Health Update.

36. Update on the Metro Flood Diversion Authority.

37. Recommendation to authorize the 2021 Mosquito Control Agreement with Cass County.

38. Applications for property tax exemptions for improvements made to buildings:
    a. Home Builders Association of Fargo-Moorhead, 1802 32nd Avenue South (3 year).
    b. Jeffrey and Marion Kuehn, 1526 28 1/2 Avenue South (3 year).
    c. Shane and Tricia Erstad, 1201 9th Street South (5 year).
    d. Kay Schwartzwalter and Paul Gleye, 723 3rd Avenue North (5 year).

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

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

THE CITY OF Fargo FAR MORE

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

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: TIA BRASETH, COMMUNITY DEVELOPMENT PLANNING COORDINATOR TB

DATE: APRIL 29, 2021

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

The Department of Planning & Development is considering amendments to its 2020 Annual Action Plan, most recently approved by City Commission on January 25, 2021. Amendments are being proposed to further define project location, budget, and activity type for a HOME Investment Partnerships Program (HOME) activity in the 2020 Action Plan. The City Commission is asked to hold a public hearing and then consider the following HOME actions:

Summary of Proposed Amendments to 2020 Annual Action Plan:

1. **Project Site, Activity, and Budget Identified under "Affordable Single-Family Housing for Ownership" Project: 1529 10 Avenue South – Lake Agassiz Habitat for Humanity**
   The location of one housing unit has been identified and is located at 1529 10 Avenue South. The activity will include new construction of a single family home on land that will be donated by the City of Fargo. The proposed HOME allocation for this site is up to $185,000. The project will be carried out by Lake Agassiz Habitat for Humanity.

2. **Project Site, Activity, and Budget Identified under "Affordable Single-Family Housing for Ownership" Project: 1410 1 Avenue South – Cass Clay Community Land Trust**
   The location of one housing unit has been identified and is located at 1410 1 Avenue South. The activity will include new construction of a single family home on land that will be donated by the City of Fargo. The proposed HOME allocation for this site is currently unknown, but the Affordable Single-Family Housing for Ownership activity for Cass Clay Community Land Trust has previously been approved for up to $200,000. The project will be carried out by Cass Clay Community Land Trust.

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

Public Advertisement Published	April 21, 2021
Public Comment Period Begins	April 22, 2021
Provided Information to the Community Development Committee	April 22, 2021
Public Comment Period Ends	May 3, 2021
Public Hearing and Final City Commission Consideration	May 3, 2021

To date, no public comments have been received and the comment period ends on May 3. Each proposed amendment is detailed in the attached public notice. Once approved, the amendment will be submitted to HUD for approval.

Recommended Motion:
Approve proposed amendments to CDBG/HOME 2020 Annual Action Plan.

EQUAL HOUSING OPPORTUNITY

Notice of Public Hearing & Public Comment Period
Amendments to 2020 Action Plan
HOME Investment Partnerships Program

The City of Fargo is proposing amendments to further define project location, budget, and activity type for a HOME Investment Partnerships Program (HOME) activity in the 2020 Action Plan, previously approved by City Commission on January 25, 2021. The 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 3, a recommendation regarding these amendments will be forwarded to HUD for their consideration and approval.

Public Comment Period:	April 22 – May 3, 2021
Send written comments or phone:	City of Fargo Planning and Development Department Attn: Community Development Planning Coordinator 225 4th Street North, Fargo ND 58102 701.476.4144
Electronic Comments:	Planning@FargoND.gov
Public Hearing and Final City Commission Consideration:	Monday, May 3, 2021 - 5:15 p.m. Fargo City Commission Chambers 225 4th Street North, Fargo ND 58102

Summary of Proposed Amendments to 2020 Annual Action Plan:

1. **Project Site, Activity, and Budget Identified under "Affordable Single-Family Housing for Ownership" Project: 1529 10 Avenue South – Lake Agassiz Habitat for Humanity**
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   The location of one housing unit has been identified and is located at 1410 1 Avenue South. The activity will include new construction of a single family home on land that will be donated by the City of Fargo. The proposed HOME allocation for this site is not currently known, but the Affordable Single-Family Housing for Ownership activity for Cass Clay Community Land Trust has previously been approved for up to $200,000. The project will be carried out by Cass Clay Community Land Trust.

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 (a 48 hour 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 2020 ACTION PLAN

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

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

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

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

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

CERTIFICATE

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

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

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

DO HEREBY CERTIFY:

That the foregoing is a full, true and correct copy of the original Resolution, and the whole thereof approving the amendments to the City of Fargo's 2020 Action Plan for the Community Development Block Grant (CDBG) & HOME programs as described in the foregoing Resolution; which Resolution was duly adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held May 3, 2021 at which Regular Meeting all members present voted in favor of the adoption of the Resolution; and

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

(SEAL)

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

ATTEST:

_____
Steven Sprague, City Auditor

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

_____
Notary Public, Cass County, North Dakota

346

City of Fargo Staff Report			
Title:	Covey Ranch First Addition	**Date:** **Updated:**	12/30/2020 4/15/2021 4/29/20201
Location:	6688 45th Street South	**Staff Contact:**	Donald Kress, current planning coordinator
Legal Description:	Portion of the NW 1/4 of Sec. 10, T138N, R49W		
Owner(s)/Applicant:	North Dakota State College of Science Foundation / Moore Engineering	**Engineer:**	Moore Engineering
Entitlements Requested:	**Major Subdivision** (Plat of **Covey Ranch First Addition,** a plat of a portion of the NW 1/4 of Sec. 10, T138N, R49W) and **Zoning Change** (from AG, Agricultural to P/I, Public and Institutional)		
Status:	City Commission Public Hearing: May 3, 2021		

Existing		Proposed
Land Use: Undeveloped;		**Land Use:** Educational--- North Dakota State College of Science (NDSCS) Career Workforce Academy
Zoning: AG, Agricultural;		**Zoning:** 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:** 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;
Maximum Density Allowed: AG allows a maximum of 1 dwelling unit per 10 acres;		**Maximum Density Allowed:** P/I zone has no density or lot coverage standards

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Covey Ranch First Addition,** which is a plat of a portion of the NW 1/4 of Sec. 10, T138N, R49W
2. A zoning change from AG, Agricultural, to P/I, Public and Institutional

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

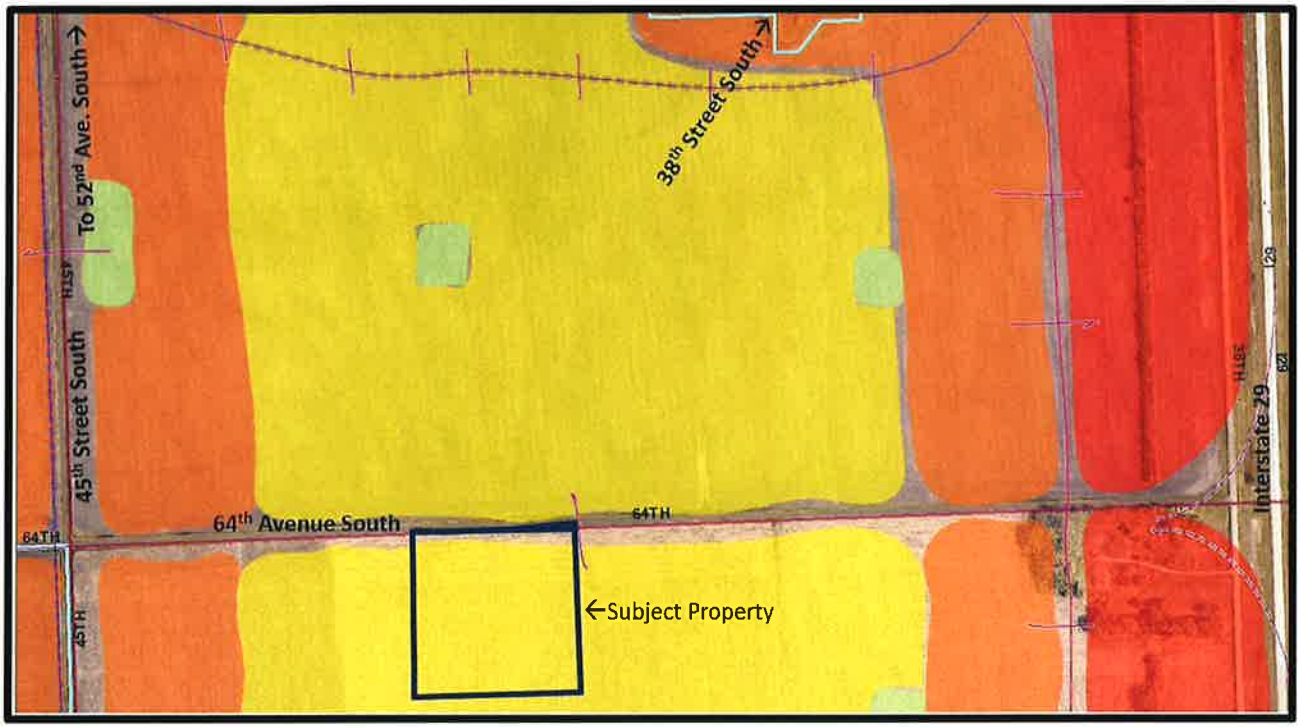
Surrounding Land Uses and Zoning Districts:

- North: AG, Agricultural; undeveloped;
- East: AG, Agricultural; undeveloped; in Fargo's extra-territorial jurisdiction.
- South: AG, Agricultural; undeveloped; in Fargo's extra-territorial jurisdiction.
- West: AG, Agricultural; undeveloped; in Fargo's extra-territorial jurisdiction.

(continued on next page)

Area Plans:

The subject property is located within the Tier 1 South West area of the 2007 Future Land Use Plan. This plan designates the subject proeprty as "Residential Area—Lower to Medium Density." This land use designation allows the P/I zoning particularly when intended for educational institutions.



- Commercial Area
- Future School
- Proposed Park
- Residential Area - lower to medium denisty
- Residential Area - medium to high density
- Residential Area - rural

Schools and Parks:

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

Neighborhood: The subject property is located The District neighborhood.

Parks: There are no parks in the immediate vicinity of the subject property. However, the Sanford sports complex is proposed to be developed on the north side of 64th Avenue South less than one-half mile from the subject property.

Pedestrian / Bicycle: There are no bicycle or pedestrian facilities near the subject property at this time. The property fronts on 64th Avenue South, which will have 10-foot wide shared use paths on both sides once it's completed.

Staff Analysis:

PLAT AND ZONING CHANGE

The plat is a one lot, one block subdivision for development of the North Dakota State College of Science (NDSCS) Career Workforce Academy. This is a state institution with surrounding school districts participating. The plat includes dedications for 64th Avenue South and 43rd Street South. The P/I zone is allowed under the "Residential Area—Lower to Medium Density" land use designation and is the appropriate zoning for this state-owned educational institution.

ACCESS: The project site takes access from 64th Avenue South and 43rd Street South.

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

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. Now that development is proposed, the applicant requests a zoning change to P/I, Public and Institutional, which is the appropriate zoning for the proposed educational institution. **(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 and 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 and responded to two inquiries. 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 P/I zone. The P/I zone is the appropriate designation for a state-owned educational institution. 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 P/I, Public/Institutional. The P/I zone is the appropriate designation for a state-owned educational institution. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to two inquiries. **(Criteria Satisfied)**

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 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 a state-owned educational institution. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments.
   (Criteria Satisfied)

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 a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan was 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)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff, and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move to approve the proposed 1) Zoning Change from AG, Agricultural to P/I, Public and Institutional, and 2) a plat of the **Covey Ranch First 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."

Planning Commission Recommendation: January 5, 2021

At the January 5th, 2021 Planning Commission hearing, by a vote of 6-0 with three Commissioners absent and two Commission seats vacant, the Commission moved to accept the findings and recommendations of staff recommended approval to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to P/I, Public and Institutional, and 2) a plat of the **Covey Ranch First 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.

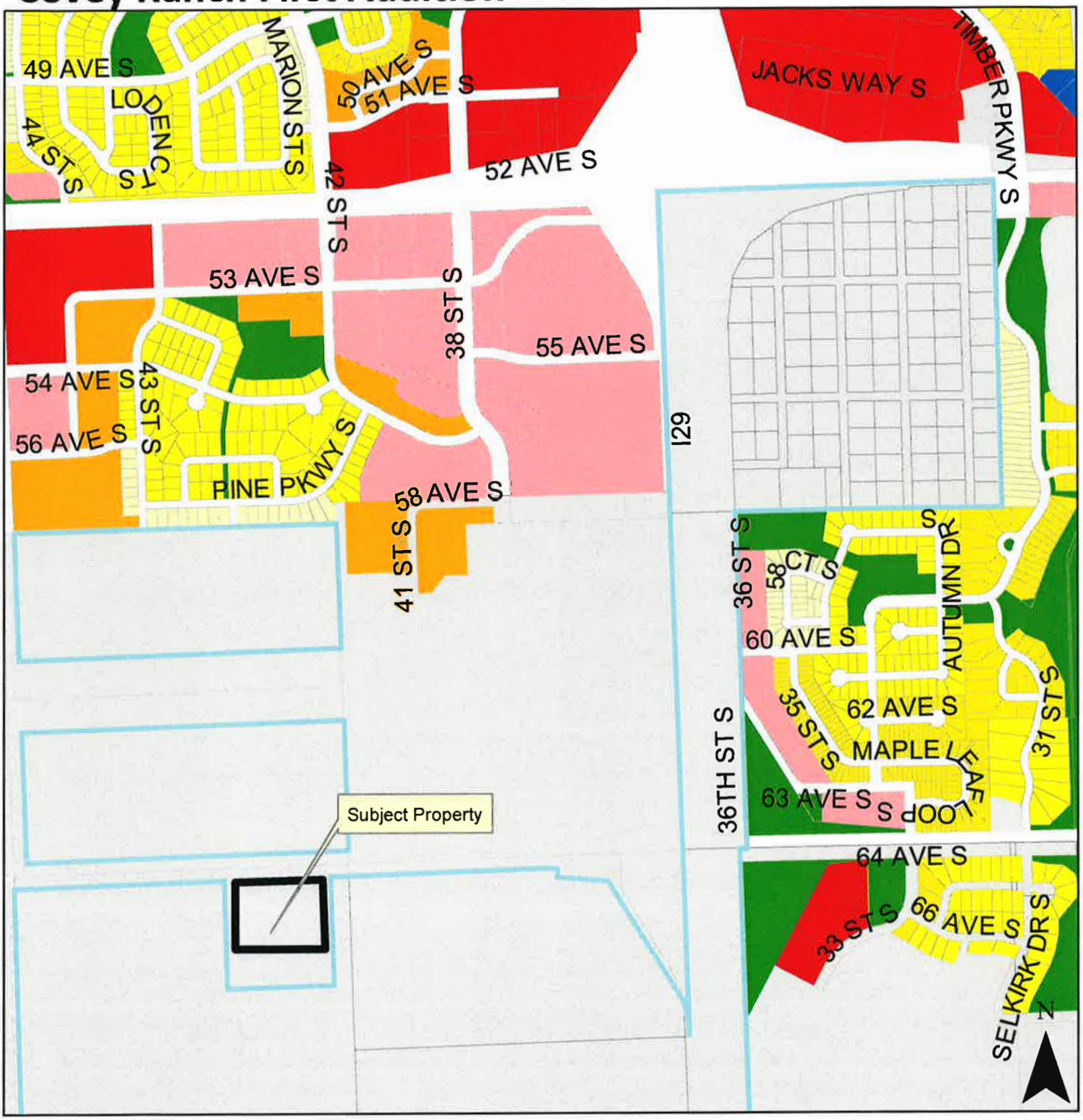
Attachments:

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

Zone Change (AG to P/I) & Plat (Major)

Covey Ranch First Addition

6688 45th St S



THE CITY OF Fargo FAR MORE

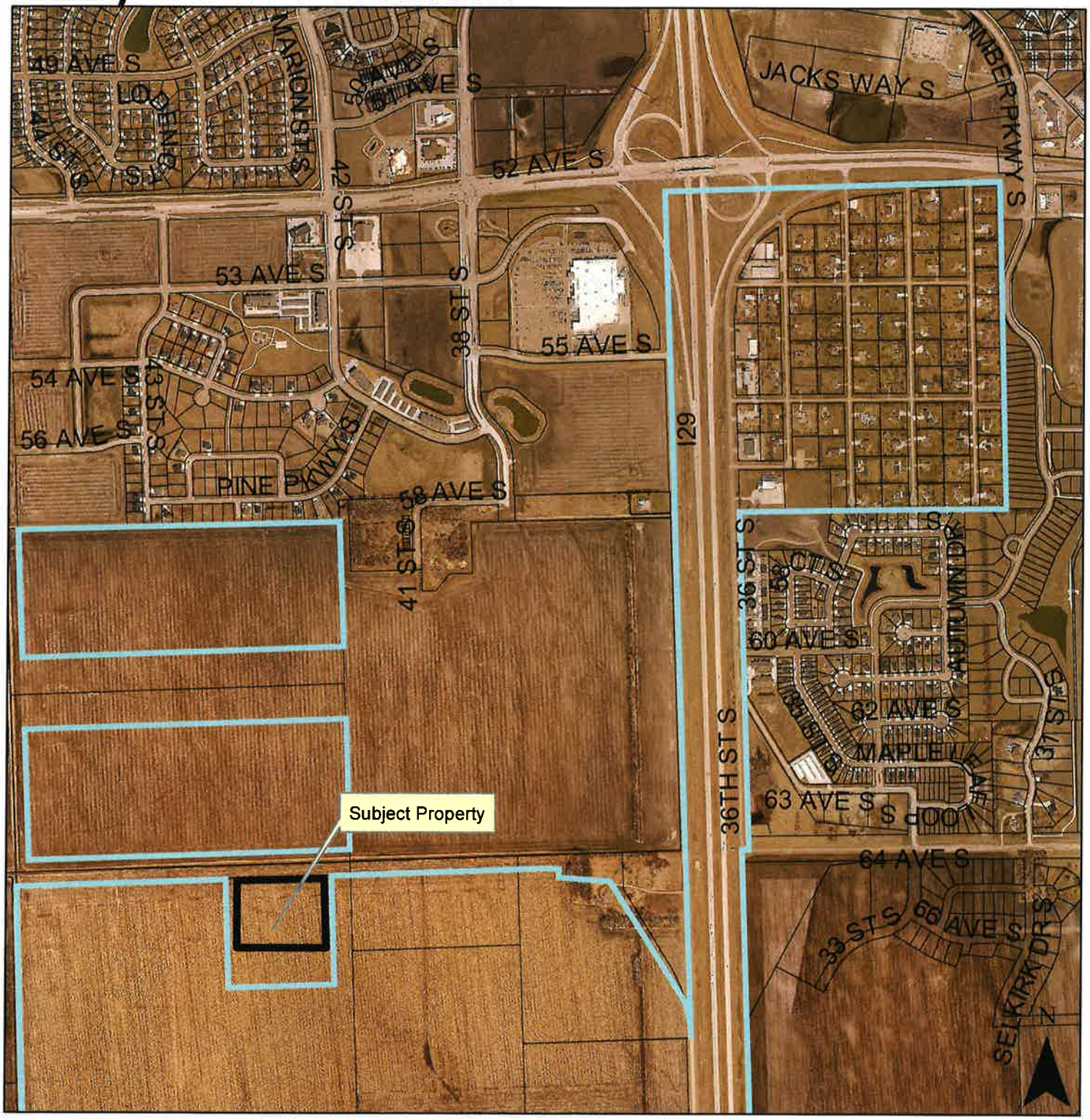
0.25 Miles

Fargo Planning Commission
January 5, 2021

Zone Change (AG to P/I) & Plat (Major)

Covey Ranch First Addition

6688 45th St S



THE CITY OF Fargo FAR MORE

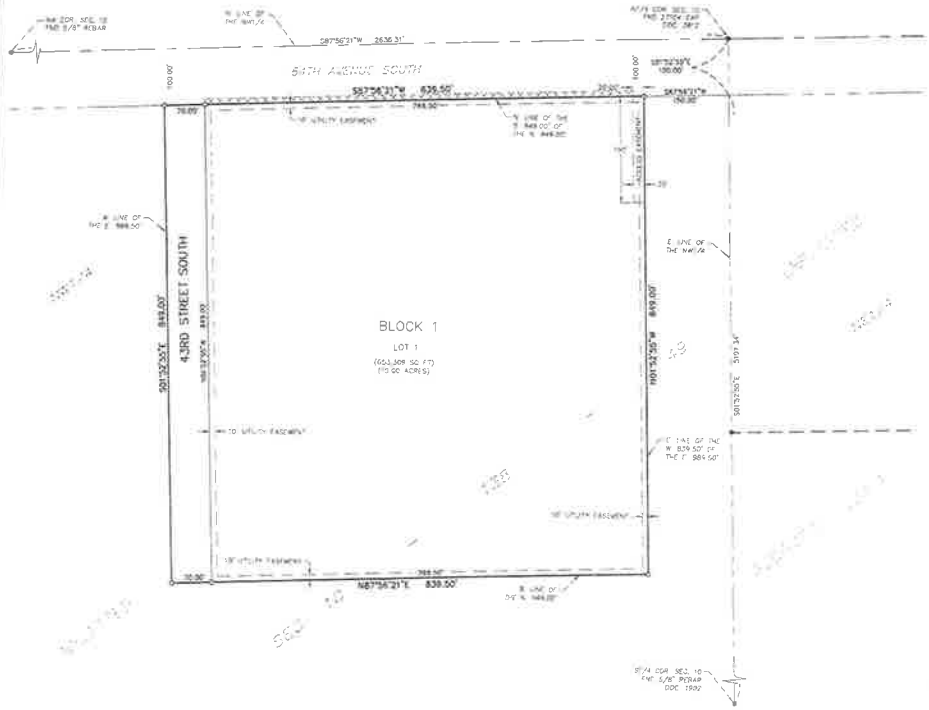
0.25 Miles

Fargo Planning Commission
January 5, 2021

A MAJOR SUBDIVISION PLAT OF

COVEY RANCH FIRST ADDITION

TO THE CITY OF FARGO, A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA.



CERTIFICATE

SHAWN M. THOMASSON, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "COVEY RANCH FIRST ADDITION" TO THE CITY OF FARGO, A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF, THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT, THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE SUBSEQUENT OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT

THAT PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS

THE SOUTH 849.00 FEET OF THE NORTH 849.00 FEET OF THE WEST 839.50 FEET OF THE EAST 989.50 FEET OF SAID NORTHWEST QUARTER, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE NORTH AND EAST LINES OF SAID NORTHWEST QUARTER.

SAID TRACT CONTAINS 16.36 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY

Shawn M. Thomasson

SHAWN M. THOMASSON
REGISTERED LAND SURVEYOR
REG. NO. LS-5905

REGISTERED LAND SURVEYOR
SHAWN M. THOMASSON
LS-5905

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS 5th DAY OF January 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS OWN FREE ACT AND DEED

Brenda Jo Kosh

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

BRENDA JO KOSH
Notary Public
State of North Dakota
My Commission Expires May 4, 2025

DEDICATION

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND DESCRIBED IN THE PLAT OF "COVEY RANCH FIRST ADDITION" TO THE CITY OF FARGO, A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, THAT I HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN ON THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. I HEREBY DEDICATE ALL STREETS, ACCESS EASEMENTS AND UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC

OWNER: NODES FOUNDATION

Kim Nelson

KIM NELSON, EXECUTIVE DIRECTOR

STATE OF NORTH DAKOTA)
COUNTY OF Cass Richland MS

ON THIS 5th DAY OF January 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KIM NELSON, EXECUTIVE DIRECTOR OF THE NODES FOUNDATION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE NODES FOUNDATION

Kiera Sherven

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
Richland MS

KIERA SHERVEN
NOTARY
MY COMMISSION EXPIRES
5/11/2021
STATE OF NORTH DAKOTA

FARGO PLANNING COMMISSION APPROVAL

THE PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS 5th DAY OF January 2021

JOHN GUNKELMAN, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS 5th DAY OF January 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN GUNKELMAN, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION

Miranda Wolf

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MIRANDA WOLF
Notary Public
State of North Dakota
My Commission Expires Mar. 11, 2021

FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2021

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____ 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

N
W E
S

0 100
Scale in Feet

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10 HAS AN ASSUMED BEARING OF S87°50'21"W

LEGEND

- ● IRON MONUMENT FOUND
- ○ SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #5900
- NEGATIVE ACCESS EASEMENT

"Negative Access Easement, as noted on this plat, is an easement dedicated as part of the right of way dedication which equivalent denies direct vehicular access to a street or public way from the lot or lots adjacent to such street or way. The negative access easement is not a strip of land of any certain width, but is a line coterminous with the boundary of the adjacent lot or lots"

NOTES:

UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO STREET RIGHTS OF WAY AS SHOWN UNLESS OTHERWISE NOTED

AREA OF DEDICATED ROAD: 1.36 ACRES

TOTAL PLAT AREA: 16.36 ACRES

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2021

BRENDA E. DERRIG, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____ 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER OWN FREE ACT AND DEED

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

moore engineering, inc. SHEET 1 OF 1 PROJ. NO. 21363

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

3762

AN ORDINANCE REZONING A CERTAIN PARCEL
OF LAND LYING IN COVEY RANCH FIRST ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

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

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on January 5, 2021; and,

WHEREAS, the rezoning changes were approved by the City Commission on April 19, 2021,

NOW, THEREFORE,

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

Section 1. The following described property:

All of Covey Ranch First Addition to the City of Fargo, Cass County, North Dakota;

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

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

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

3A

City of Fargo Staff Report			
Title:	L.J. Laffen Addition	**Date:** **Updated:**	3/31/2021 4/29/2021
Location:	417 and 501 Main Avenue	**Staff Contact:**	Donald Kress, current planning coordinator
Legal Description:	Portion of the Northeast Quarter of Section 7, Township 139 North, Range 48 West to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	City of Fargo; Lake Agassiz Regional Development Corporation / JLG Architects—Matt Torgerson	**Engineer:**	Apex Engineering
Entitlements Requested:	**Major Subdivision** (Plat of **L.J. Laffen Addition,** a plat of portion of the Northeast Quarter of Section 7, Township 139 North, Range 48 West to the City of Fargo, Cass County, North Dakota)		
Status:	City Commission Public Hearing: May 3, 2021		

Existing		Proposed
Land Use: Commercial		**Land Use:** No change
Zoning: DMU, Downtown Mixed Use		**Zoning:** No change
Uses Allowed: DMU 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.		**Uses Allowed:** No Change
Maximum Lot Coverage Allowed: 100%		**Maximum Lot Coverage Allowed:** No change

Proposal:

The applicant requests one entitlement:

1. A major subdivision, entitled **L. J. Laffen Addition,** a plat of portion of the Northeast Quarter of Section 7, Township 139 North, Range 48 West to the City of Fargo, Cass County, North Dakota

This project is a major subdivision as an area of right of way in the southwest portion of the plat is being dedicated for Main Avenue.

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

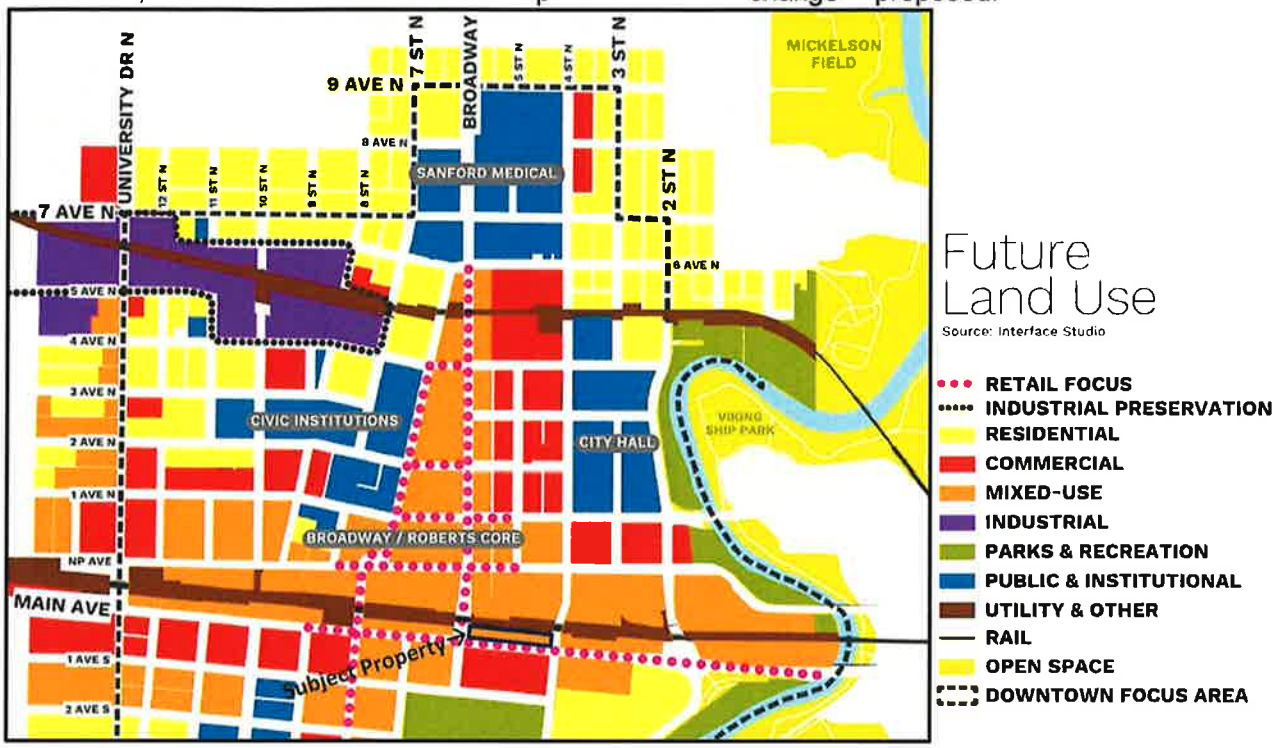
Surrounding Land Uses and Zoning Districts:

- North: DMU with railroad right of way
- East: DMU with Fargo Park District headquarters
- South: DMU with office uses and parking ramp
- West: DMU with office uses

(continued on next page)

Area Plans:

The subject property is located within the Downtown In Focus plan. The future land use map of that plan identifies this area as intended for "Mixed Use" development. The property is zoned DMU, Downtown Mixed Use, which allows mixed-use development. No zone change is proposed.



Schools and Parks:

Schools: The subject property is located within the Fargo School District, specifically within the Roosevelt Elementary, Ben Franklin Middle and North High schools.

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

Parks: Island Park, located at 502 1st Avenue South, is approximately 500 feet south of the subject property, and provides amenities of basketball court, tennis courts, handball, grills and picnic tables, playground, cross country ski trails, recreational trails, rentals and a swimming pool.

Pedestrian / Bicycle: Off-road multi-use trails are adjacent to the subject property along both Broadway and Main Street.

Staff Analysis:

The plat will create two lots zoned DMU, Downtown Mixed Use. The lots will take access from Broadway, Main Avenue, and 4th Street North. The existing building owned by the Lake Agassiz Development Corporation will remain on Lot 2, Block 1. The applicant intends to build a new mixed-use building, with both office and residential uses and the possibility of retail uses in the future, on Lot 1, Block 1.

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 property is zoned DMU, Downtown Mixed Use. No zone change is proposed. The DMU zone will accommodate the proposed development of a new mixed-use building, as noted above.

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 comment on the application. **(Criteria Satisfied)**

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 zoned DMU, Downtown Mixed Use. No zone change is proposed. The DMU zone will accommodate the proposed development of a mixed-use building, as noted above. The DMU zoning designation is consistent with the "Mixed Use" designation of the Downtown in Focus Plan. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments.
   (Criteria Satisfied)

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.**
   As no new public improvements are being created by this plat, an amenities plan was not required. 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)

NOTE ON CONTINGENT APPROVAL: The suggested motion below states that approval is contingent on final technical review of the plat, including the City Engineer's signature. This contingency is proposed as the applicant has encountered some title complications that needed additional time to resolve. The contingent motion below allows the City Commission to approve the plat at this time. Once the final technical review is complete and the City Engineer has signed the plat, then the City can then proceed with recording the plat, if approval is received as referenced below. Please note that all future permits, such as building permits, are on hold until the plat can be recorded.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to approve the proposed plat of the **L. J. Laffen Addition**, contingent on final technical review of the plat, including the City Engineer's signature, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Downtown in Focus Plan, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: April 6, 2021

At the April 6, 2021 Planning Commission, by a vote of 6-0 with three Commissioners absent and two Commission seats vacant, the Commission moved to accept the findings and recommendations of staff and moved to recommend approval to the City Commission of the proposed plat of the **L. J. Laffen Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Downtown in Focus Plan, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC.

Attachments:

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

Plat (Major)

L. J. Laffen Addition

417 & 501 Main Ave

THE CITY OF Fargo FAR MORE

Legend

AG, LC, MHP, SR-2, DMU, LI, NC, SR-3, GC, MR-1, NO, SR-4, GI, MR-2, P/I, SR-5, GO, MR-3, UMU, City Limits

200 Feet

Fargo Planning Commission
April 6, 2021

Plat (Major)

L. J. Laffen Addition

417 & 501 Main Ave

THE CITY OF Fargo FAR MORE

200 Feet

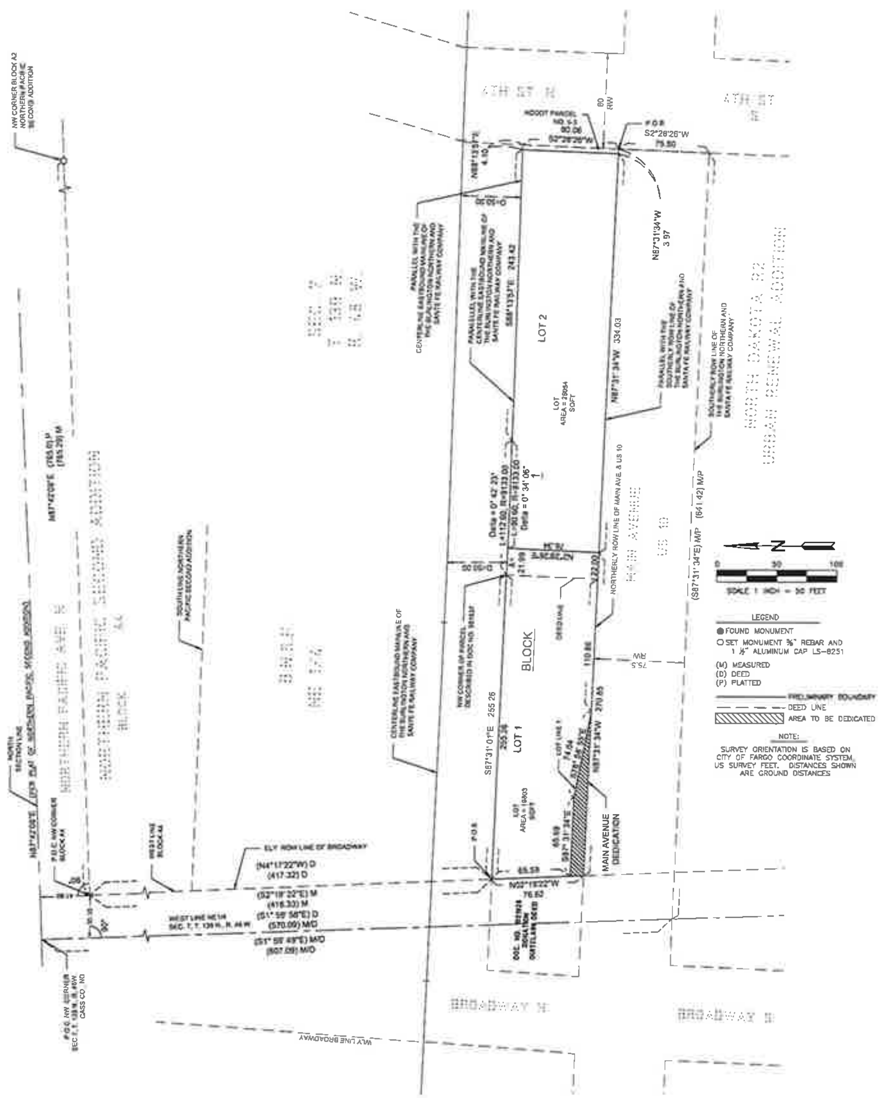
Fargo Planning Commission
April 6, 2021

L.J. LAFFEN ADDITION

TO CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

A TRACT OF UNPLATTED LAND LOCATED IN THE NORTHEAST QUARTER, SECTION 7, TOWNSHIP 139 NORTH, RANGE 48 WEST.

(A MAJOR SUBDIVISON)



APEX ENGINEERING GROUP, INC. BISMARCK - DETROIT LAKES - DICKINSON - FARGO

OWNERS DESCRIPTION AND DEDICATION

That 501 Main Ave DevCorp, LLC, the undersigned, does hereby certify that we are the owners of the parcel of land described in Document Number __________, on file in the office of the County Recorder, Cass County, North Dakota, to wit:

A tract of unplatted land located in the NE ¼ of Section 7, Township 139 North, Range 48 West of the 5th Principal Meridian, in the City of Fargo, Cass County, North Dakota described as follows:

[illegible]

AND

That Lake Agassiz Regional Development Corporation, the undersigned, does hereby certify that we are the owners of the parcel land described in Document Number 961637, on file in the office of the County Recorder, Cass County, North Dakota, to wit:

That part of the Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) right of way lying in the NE ¼ of Section 7, Township 139 North, Range 48 West of the 5th P.M., Cass County, North Dakota, described as follows:

[illegible]

LESS THE FOLLOWING PARCEL OF LAND:

[illegible] PC 21170, dated 8/21/2019

A portion of the NE ¼ of Section 7, Township 139 N., Range 48 W., of the 5th Principal Meridian, County of Cass, State of Dakota, described as follows and shown on plat 5 of 7:

Commencing at the N ¼ corner of Section7; thence southerly along the ¼ line of Section 7, S 01 deg. 59 min. 58 sec. E a distance of 570.09 feet to a point on the survey centerline of US 10; thence easterly along the survey centerline of US 10, S 87 deg. 33 min. 11 sec. E a distance of 640.35 feet; thence N 02 deg. 26 min. 49 sec. E a distance of 37.75 feet to the point of beginning; thence N 02 deg. 23 min. 00 sec. a distance of 88.56 feet; thence S 88 deg. 07 min. 13 sec. E a distance of 4.06 feet; thence S 02 deg. 28 min. 30 sec. W along the existing westerly right of way of 4th Street South a distance of 88.60 feet; thence N 87 deg. 33 min. 11 sec. W along the existing northerly right of way of US 10 a distance of 3.92 feet to the point of beginning.

Said tract is shown on the right of way plat as 5-3 and contains 358 [illegible] acquired.

[illegible] public as shown on said plat.

OWNER: Lot 1, Block 1
501 Main Ave DevCorp, LLC

____
Sanford Hoff, President and Chief Executive Officer
501 Main Ave DevCorp, LLC

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this ______ day of __________, 20___, before me, a Notary Public with and for said County and said State, personally appeared Sanford Hoff, President and Chief Executive Officer for the 501 Main Ave DevCorp, LLC, to me known to be the person described in and who executed the same as a free act and deed.

____
Notary Public

AND

____
Jason Haagenson, Vice President and Chief Financial Officer
501 Main Ave DevCorp, LLC

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this ______ day of __________, 20___, before me, a Notary Public with and for said County and said State, personally appeared Jason Haagenson, Vice President and Chief Financial Officer for the 501 Main Ave DevCorp, LLC, to me known to be the person described in and who executed the same as a free act and deed.

____
Notary Public

MORTGAGEE: ???????????

____

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this ______ day of __________, 20___, before me, a Notary Public with and for said County and said State, personally appeared XXXXXXXXXXXXXXX, to me known to be the person described in and who executed the same as a free act and deed.

____
Notary Public

OWNER: Lot 2, Block 1
Lake Agassiz Regional Development Corporation

____
Amber Metz, Executive Director

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this ______ day of __________, 20___, before me, a Notary Public with and for said County and said State, personally appeared Amber Metz, Executive Director, Lake Agassiz Regional Development Corporation, to me known to be the person described in and who executed the same as a free act and deed.

____
Notary Public

MORTGAGEE: ???????????

____

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this ______ day of __________, 20___, before me, a Notary Public with and for said County and said State, personally appeared XXXXXXXXXXXXXXX, to me known to be the person described in and who executed the same as a free act and deed.

____
Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Bruce W. Skipton, Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that the attached plat is a true and accurate representation of the survey of said subdivision and all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been correctly placed in the ground as shown.

____
Bruce W. Skipton, Professional Land Surveyor
North Dakota License Number LS-8251

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this ______ day of __________, 20___, before me, a Notary Public with and for said County and said State, personally appeared Bruce W. Skipton, Professional Land Surveyor, to me known to be the person described in and who executed the same as a free act and deed.

____
Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this ______ day of __________, 20___.

____
Brenda E. Derrig, PE, City Engineer

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this ______ day of __________, 20___, before me, a Notary Public with and for said County and said State, personally appeared Brenda E. Derrig, PE, City Engineer, City of Fargo, to me known to be the person described in and who executed the same as a free act and deed.

____
Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ______ day of __________, 20___.

____
John Gunkelman, Chair
Fargo Planning Commission

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this ______ day of __________, 20___, before me, a Notary Public with and for said County and said State, personally appeared John Gunkelman, City of Fargo Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

____
Notary Public

CITY OF FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ______ day of __________, 20___.

____
Timothy J. Mahoney, Mayor

Attest ____________________
Steven Sprague, City Auditor

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this ______ day of __________, 20___, before me, a Notary Public with and for said County and said State, personally appeared Timothy J. Mahoney, Mayor, City of Fargo and Steven Sprague, City Auditor, City of Fargo, to me known to be the person described in and who executed the same as a free act and deed.

____
Notary Public

PRELIMINARY PLAT

THE CITY OF Fargo FAR MORE

PLANNING AND DEVELOPMENT
225 4th Street North
Fargo, North Dakota
Phone: (701) 241-1474
Fax: (701) 241-1526
E-Mail: planning@FargoND.gov
www.fargond.gov

3rd

MEMORANDUM

TO: City Commission

FROM: Nicole Crutchfield, Planning Director

DATE: April 27, 2021

RE: Renaissance Zone Application for 501 Main Ave Dev Corp (322-F) located at 501 Main Avenue

---

The city received a Renaissance Zone (RZ) application from 501 Main Ave Dev Corp to construct a new building at 501 Main Avenue. The request was reviewed by the Renaissance Zone Authority (RZA) on March 24, 2021.

Pursuant to the application, project proposes to construct a building with one floor of below grade parking, first and second floor commercial space, floors three through five will have multi-family (55 total multi-family units), and the top floor having 10 for-sale condominiums units. The construction would begin spring of 2021 and the proposed timeframe of completion of spring 2023.

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 $21,500,000 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 501 Main Ave Dev Corp and grant state income tax and property tax exemptions as recommended by the Renaissance Zone Authority.

THE CITY OF Fargo FAR MORE

Renaissance Zone Staff Report for
501 Main Ave DevCorp, LLC (322-F)
501 Main Avenue

Project Evaluation:

The City of Fargo received a Renaissance Zone application from 501 Main Ave DevCorp, LLC to construct a 6-story mixed use project at 501 Main Avenue. Pursuant to the application, project proposes to construct a building with one floor of below grade parking, first and second floor commercial space, floors three through five will have multi-family (55 total multi-family units), and the top floor having 10 for-sale condominiums units.

The construction would begin spring of 2021 and the proposed timeframe of completion of spring 2023.

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. ***(responses are from applicant for item 1)***

   a. *Grow as a Neighborhood:* Invest in housing to increase the population living Downtown and maintain Downtown's diversity.
   This project provides for an increased amount of housing downtown (65 total units) by providing a variety of residential options at a variety of price points--ranging from studios (9); 1 bedrooms (36); 2 bedrooms (10) to residential condominiums (10).

   b. *Prosper as a Business Center:* Increase the number and types of jobs Downtown.
   Tenants in the building (commercial/retail spaces) will likely be committed before the project breaks ground--as such, one Tenant expects to continue its employee growth in the Fargo market and the other will bring net new employees downtown as a new downtown business.

   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.
   Designed to anchor the south end of Broadway and provide the long planned sense of "gateway" to downtown and potential public art opportunity, this project will hope to have a public gathering space provided in the Broadway ROW and will address the street with lots of windows and openness. A planned connection to the structured parking to the south will encourage more people to access the southern edge of downtown and make it much easier.

   d. *Be a model for Inclusive Growth and Development:* Protect Downtown's diversity and evolve as a model for equitable growth and development.
   The variety of housing and its' location will help add available units in downtown and get units on Main and near Island Park. The project will develop a long vacant location providing a mixed use solution that acknowledges its immediate neighborhood and context.

   e. *Complete our Streets:* Make complete streets common place and encourage trips by foot, bicycle, and bus, as well as car.
   Encouraging and counting on using underutilized parking in the Island Park Parking Ramp will encourage more multi-mode traffic from the south and the planned physical connection to the south will augment that. The recently completed Main Avenue redevelopment project has turned Broadway in to less of a perceived barrier and invites more movement north and south for pedestrians, bicyclists, skateboarders, etc. This development

will provide an anchor to that on the south end of Broadway and provide for public seating and bike racks and enclosure and intimacy to the street scape that is presently lacking--new place making at a critical intersection.

f. *Park Smart:* Manage parking resources to meet the needs of drivers, while also making room for new development and activity.
The project can provide onsite parking--both on the surface (38) and underground (29) and enjoys a positive partnership with next door neighbors to the east (Lake Agassiz Development Group). The project also plans on using the under-utilized City-owned structured parking to the south.

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).
The project hopes to develop a companion project in the Broadway ROW that provides a long desired and planned for greenspace on the south end of Broadway that will be designed to have multi-seasonal interest and be public with unlimited access. We will expect to explore how we may use captured water from the site as part of the discussion around both irrigating the public space and satisfying the water needs of the project itself.

(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 97,090 square feet, as follows:

- *Proposed Building Total:* approximately 97,090 SF
- *Commercial:* approximately 23,585 SF
- *Residential:* approximately 15,905 SF (45,010 SF Apartments; 14,895 SF Condominiums)
- *Parking:* approximately 13,600 SF

**Remaining SF includes ancillary space, such as amenities, lobbies, corridors, elevators, etc.*

Overall, the application estimates a total capital investment of $21,500,000, which calculates to approximately $221.44 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:
Tenants in the building expect to continue its employee growth in the Fargo market and the other will bring net new employees downtown as a new downtown business.

b. Active Commercial, Specialty Retail or Destination Commercial:
Tenants in the building expect to continue its employee growth in the Fargo market and the other will bring net new employees downtown as a new downtown business.

c. Mixed Use Development:
The building will consist of commercial spaces, residential units and condominiums

(17/20 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:

The subject property has been a surface level commercial parking for over 50 years.

b. Parcels specifically targeted for clearance:
The RZ Plan identifies Block 57 for: Redevelopment and infill; mixed-use and commercial.

(10/10 points)

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

The project embodies strong urban design principles, including density, form, materials, and proximity/adjacency to amenities. The design contemplates the interface of the structure to the right-of-way. The building consists of a variety of materials as well as projections and recessions, which create 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 requirements 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 $21,500,000, which calculates to approximately $221.44 per square foot.

(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 has not secured tenants for the commercial space but are in discussions with businesses.

(7/10 points)

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

The building is architecturally designed and provides interest with varying projections and recesses, colors, textures and materials, and other vertical elements. Renaissance Zone projects are anticipated to be conscience of four-sided design, which has been seen with other projects within the downtown, which the design reflects. The project includes a plaza with public art that will activate the space as an entrance to the Broadway corridor.

(10/10 points)

Summary:

This application received a score of 94 on a 100-point scale. The applicant met criteria and the use is consistent with the RZ Plan. In addition, the proposed new construction project surpasses the local capital improvement requirement of $100 per square foot for new construction. 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 neighborhood and nearby businesses and is recommending approval.

Suggested motion:
Recommend approval to the Fargo City Commission to approve the application submitted by 501 Main Ave DevCorp, 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	The new construction or proposed improvements are representative of "High Priority Land Uses" as defined in the RZ Plan: • Primary sector business, industry and talent-dependent Enterprises • 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)	17	20
4	The investment is located in a 'Target Area' as defined by the RZ Plan: • 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	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
7	Consideration as to whether the project will include or accommodate the relocation of a business from another North Dakota community: • 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.	7	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)		96	100

ROBERTS ALY N
ALY N
5 ST N
ALY N
NORTHERN PACIFIC AVE N
BROADWAY N
4 ST N
Subject Property
MAIN AVE
BROADWAY S
ALY N
1 AVE S
4 ST S

In Reference to Parcel Information / Legal Description

City of Fargo and BNSF Easement
Transfers from City of Fargo to 501 Main Ave Dev Corp, LLC

Lake Agassiz Development Group (LADG) and BNSF Easement
Portion thereof transfers from LADG to 501 Main Ave DevCorp, LLC

City of Fargo ROW
Broadway access and public art/plaza Agreement to be formed with City

LADG Owned
Sales transaction of portion LADG to 501 Main Ave Dev Corp, LLC
Easement transaction of portion LADG to 501 Main Ave Dev Corp, LLC

City of Fargo Owned
Sales transaction City of Fargo to 501 Main Ave Dev Corp, LLC

In Reference to Scope of Work

Looking to the NE

In Reference to Scope of Work

Looking to the NW / N

In Reference to Scope of Work

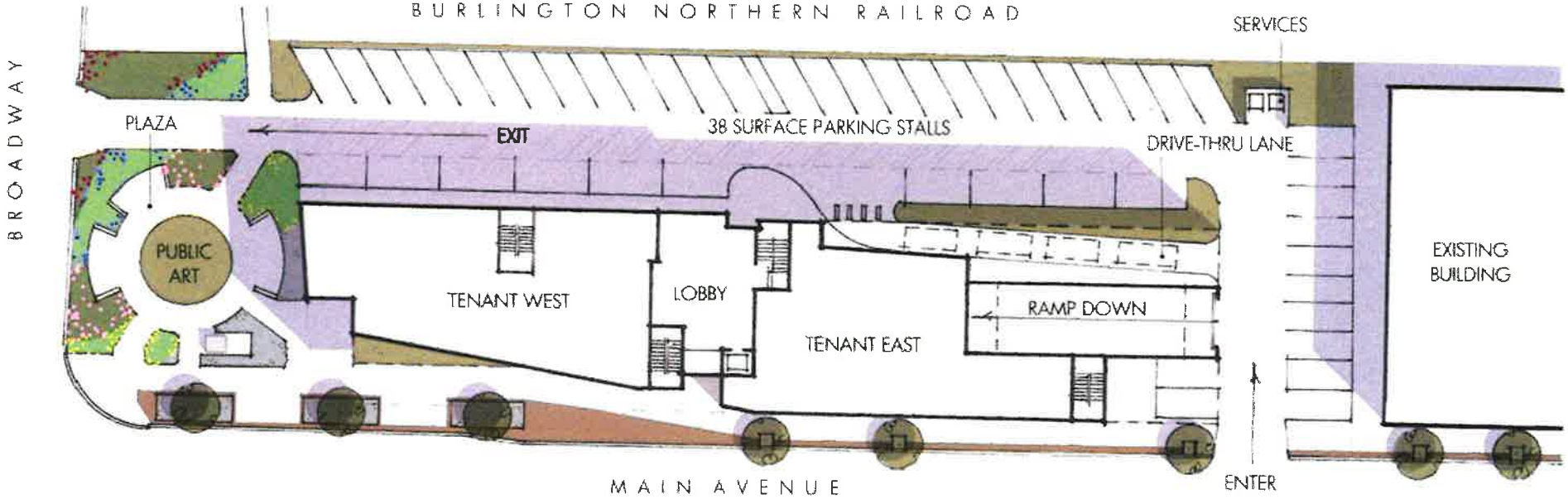
Looking to the NW from near Lake Agassiz Development Group

Looking to the NE from Main / Broadway intersection

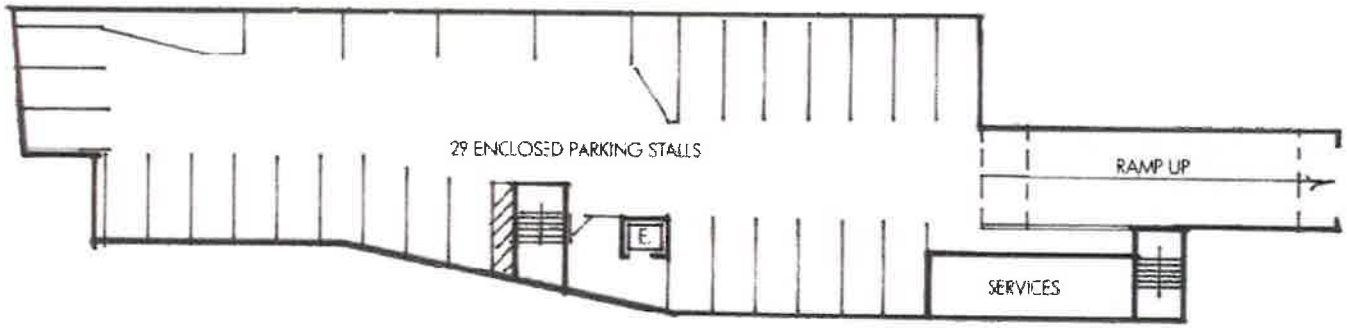
Looking to the NE / N across Broadway W ROW

Looking to the SE /S

In Reference to Scope of Work



FIRST FLOOR/SITE PLAN
SCALE 1" = 30'



PARKING LEVEL PLAN
SCALE 1" = 20'

In Reference to Scope of Work

PROJECT DATA

AREA SUMMARY

PARKING		13,600 S.F.
1ST TENANT WEST	4,565	
1ST TENANT EAST	2,965	
1ST COMMON	1,596	
1ST VERT. PENETR.	504	
1ST TOTAL		10,630
2ND TENANT WEST	5,305	
2ND TENANT EAST	5,909	
2ND COMMON	1,435	
2ND VERT. PENETR	725	
2ND TOTAL		12,965
3RD LOUNGE	520	
3RD PATIO	568	
3RD RESIDENTIAL	14,107	
3RD TOTAL		15,295
4TH		14,895
5TH		14,895
6TH		14,895
BUILDING TOTAL		97,090 S.F.

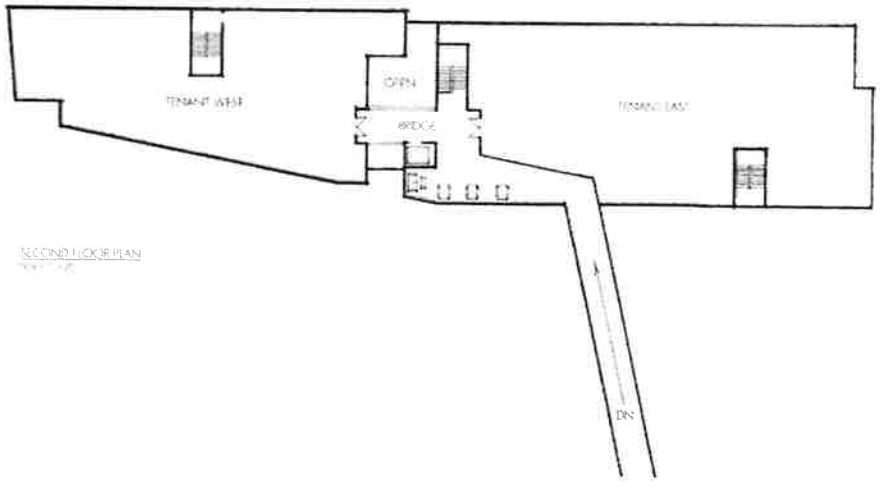
UNIT SUMMARY

	STU	1BR	2BR	
PARKING	-	-	-	
1ST				
2ND				
3RD	3	10	4	17
4TH	3	13	3	19
5TH	3	13	3	19
TOTALS	9	36	10	55 UNITS
	16%	66%	18%	

6TH 10 RESIDENTIAL CONDOS

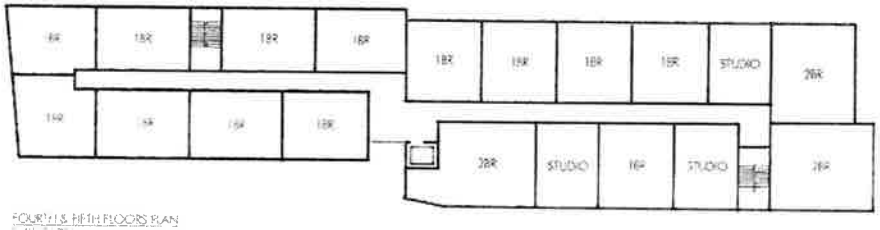
PARKING SUMMARY

SURFACE STALLS	38
ENCLOSED STALLS	29
TOTAL	67

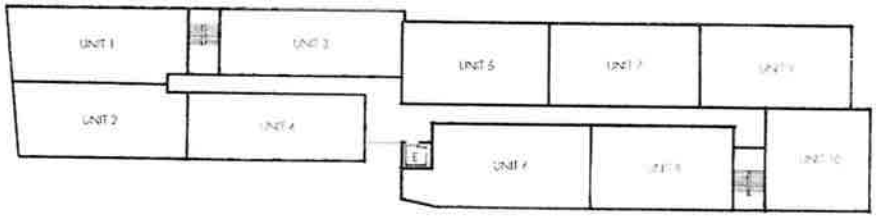


SECOND FLOOR PLAN

THIRD FLOOR PLAN



FOURTH & FIFTH FLOORS PLAN



SIXTH CONDOMINIUM FLOOR PLAN

THE CITY OF Fargo FAR MORE

3Ae

AUDITOR'S OFFICE
Fargo City Hall
225 4th Street North
PO Box 2471
Fargo, ND 58108
Phone: 701.241.8108 | Fax: 701.241.8184
www.FargoND.gov

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Suite Shots

DATE: April 21, 2021

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: FA-Entertainment Full alcohol, must be in an Entertainment complex
Business Name: Suite Shots
Location: 3400 James Way
Applicants: Tyler Brant, Kevin Christianson, Mark Johnson, David Grueneich, Warren Schatz, James Heyer, Chuck Johnson

Being no significant concerns, the Liquor Control Board voted to approve the issuance of a Class FA-Entertainment alcoholic beverage license to Fargo TS LLC d/b/a Suite Shots. The complete application is available for review in the Auditor's Office.

Recommended Motion:
Move to approve the issuance of a Class FA-Entertainment alcoholic beverage license to Fargo TS LLC d/b/a Suite Shots.

Fargo Police Department

To: Chief David Zibolski

From: Sergeant Carlos Nestler

Date: April 12, 2021

RE: Liquor License Application (Suite Shots)

Application for a Class "FA" Alcoholic Beverage License for
Fargo Ts LLC dba Suite Shots to be located at 3400 James Way, Fargo

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation I examined the applicants' credit reports and public records criminal background.

The following information was discovered through this investigation:

Johnson, Charles Conrad - Owner

Criminal History-	A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us/) showed no criminal activity.
Credit History-	Charles C. Johnson's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Fargo Police Department

Schatz, Warren Kenneth – Owner

Criminal History-	A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us/) showed no criminal activity.
Credit History-	Warren K. Schatz's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Heyer, James Mark – Owner

Criminal History-	A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov), Minnesota public records (https://chs.state.mn.us/) showed no criminal activity.
Credit History-	James M. Heyer's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Christianson, Kevin Lee - Owner

Criminal History-	A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov), Minnesota public records (https://chs.state.mn.us/) showed no criminal activity.
Credit History-	Kevin L. Christianson's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Fargo Police Department

Brandt, Tyler Allen - Owner

Criminal History- A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov), Minnesota public records (https://chs.state.mn.us/) showed no criminal activity.

Credit History- Tyler A. Brandt's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Grueneich, David Paul - Owner

Criminal History- A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov), Minnesota public records (https://chs.state.mn.us/) and Arizona public records (https://apps.supremecourt.az.gov/) showed one criminal conviction.

-Feb. 2011 DUI conviction in North Dakota, which he disclosed in the application as a Feb. 2012 DUI conviction.

Credit History- David P. Grueneich's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Johnson, Kevin Lee - Owner

Criminal History- A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov), Minnesota public records (https://chs.state.mn.us/) showed no criminal activity.

Credit History- Kevin L. Johnson's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Fargo Police Department

Johnson, Mark William – Owner/ Manager

Criminal History-	A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov), Minnesota public records (https://chs.state.mn.us/) showed no criminal activity.
Credit History-	Mark W. Johnson's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Investigation Notes

This application is for a "FA" liquor license (authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages) for Fargo Ts LLC dba Suite Shots to be located at 3400 James Way, Fargo, ND.

According to the application, Suite Shots will contain 60 "Suites" or bays in which visitors can hit golf balls from a temperature controlled covered area to an outdoor field. In addition to 60 golf suites where food and beverage will be consumed, the facility will have meeting space, banquet rooms and an outdoor terrace to accommodate business meeting, parties and fundraising events. There will also be a restaurant and bar on the mail level serving lunches and dinners to golfers and non-golfers.

I spoke to Mark W. Johnson by phone. I asked Mark what his involvement in the business was, since he is listed as a manager. Mark stated he is the manager and he is also an owner. Mark stated all of the individuals listed on the application have ownership in the venture. Mark also told me his MN driver's license number, since it was blank on the application.

The investigation into the criminal and credit history of the applicants did not find any current issues related to criminal activity or any problems with their credit.

Fargo Police Department

Business Location

Suite Shots is located at 3400 James Way, Fargo, ND. James Way is not on many maps yet, it is in the area of 52nd Avenue South and 34th St. Other businesses in the area with an alcoholic beverage license include: Cash Wise Liquors and Frank's Lounge.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

4/12/21

RECEIVED
FARGO POLICE DEPARTMENT
APR 14 2021
DAVID B ZIBOLSKI
CHIEF OF POLICE
REF: STEVE SPRAGUE

THE CITY OF Fargo FAR MORE

Inspections Office
Fargo City Hall
225 Fourth Street North
Fargo, ND 58102
Phone: 701.241.1561
Fax: 701.476.6779
www.FargoND.gov

3AF

Memorandum

DATE: April 29, 2021

TO: Mayor Mahoney and Board of City Commissioners

FROM: Bruce Taralson, Inspections Director

SUBJECT: Dangerous Building Notice and Order 1648 8 AVE S., Fargo, ND 58103

The property owner of 1648 8 Ave S., Fargo, ND, has failed to comply with my order to obtain a permit to repair or demolish 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 is scheduled for May 3, 2021.

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 on June 30, 2021. Please direct the appropriate staff to secure the removal of this building at that time. If the Owner takes responsibility and obtains a permit to repair this property prior to June 30, 2021, this property will be required to comply with the current Land Development Code (LDC) requirements of use per Section LDC 20-1002.C.**

THE CITY OF Fargo FAR MORE

DANGEROUS BUILDING ORDER TO COMMISSION- Detail and Timeline Regarding 1648 8 Avenue S., Fargo, ND.

A Dangerous Building hearing 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 property the opportunity to appear and show cause why the City of Fargo should not cause the removal of this building. The hearing is scheduled for Monday, May 3, 2021 at 5:15PM.

The Inspections Department has taken this action due to multiple neighborhood complaints prompting inspections. This building meets 5 of the 10 criteria which only one might be required. Our report on ordinance requirements-

1. Inspections Department received complaint on property.
2. Inspections Department inspected the property.
3. Inspections placed notice on the building.
4. Inspections provided notice to Owner giving 30 days.
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 notice to the Owner of the property prior to any action by the City Commission or staff. Our timeline shows the building was originally placarded on February 26, 2021, as an Substandard Building and after an internal inspection was complete, placarded as a Dangerous Building on March 12, 2021. This notice provided a 30-day deadline to obtain a permit to repair, or demolish the structure.

Included in this packet is a timeline of events, photographs and necessary documents.

PROPERTY INFORMATION- Building is currently vacant and is uninhabitable due to electrical issues, and the building has been occupied by squatters for the past 12 months. The building was constructed in 1924.

Description: One-story, wood-framed structure.

Description of damage:
On February 26, 2021, Inspector, Laura Langdahl, was present at 1648 8 Ave S., Fargo, ND to address a complaint inspection and placarded the structure as Unsafe. On March

2, 2021, Inspector Bill Thompson was present at 1648 8 Avenue S., Fargo to address a complaint inspection and the following violations were found:

- Extensive fire damage to detached garage.
- Multiple broken and boarded up windows resulting in an insecure building.
- Signs of infestation due to missing soffit, fascia and holes in exterior.
- Large amounts of unpermitted electrical, plumbing, and mechanical work.
- Electrical panel has been tampered with.
- Large portion of ceiling missing in Northwest room.
- Extensive damage to interior of house with large amounts of junk and debris.
- Smoke alarms disarmed.
- Large areas of fence is damaged and/or broken.
- Junk and multiple abandoned vehicles in yard and driveway.

Timeline for events:

5/28/2020: Complaint of motor cycle on sidewalk, tractor in yard, trailers, junk and cars on lawn.
7/14/2020: Complaint of person living in camper.
8/31/2020: Complaint of Semi parked in yard.
11/19/2020: Semi parked on grass, broken/damaged fence, sidewalk parking and fire damage to garage.
2/26/2021: Complaint from neighbor of possibly abandoned building.
2/26/2021: Building placarded as a Substandard Building Notice (Posted & Mailed).
3/2/2021: Notice of Dangerous Building (Posted & Mailed).
3/2/2021: Deputy Assessor, James Haley, inspected interior and determined that the cost to cure the deterioration of the building exceeds 50% of the most recent certified True & Full Improvement Value.
4/15/2021: Inspections requested Dangerous Building Order to Show Cause Hearing to be scheduled for May 3, 2021.
4/20/2021: Notice of Hearing posted on building and mailed to Owner via registered mail.
4/28/2021: As per the City of Fargo Utility Department, there has been no water usage since December of 2020.
4/28/2021: As per Xcel Energy, services are still connected.
5/3/2021: Dangerous Building Hearing.
5/18/2021: Anticipated issuance of *Findings of Fact* document.
6/1/2021: Deadline to appeal to District Court
6/30/2021: Deadline for City of Fargo to proceed with action on City Commission's recommendation to demolish.

Please note, this timeline does not include a total calculation of overall staff time spent on this property.

Upon your finding for the Owner to comply with this demolition order, you are required by Article 21-0405 C, D & E, to notify Owner of your determination, and that if an 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 the removal of this building should the Owner fail to do so. Article 21-0412 allows for the Owner to appeal to the City Commission's action to District Court, which requires a $500 deposit with the City Auditor.

Respectfully submitted,
Dated this 29th day of April, 2021.

Bruce Taralson
Inspections Administrator

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

THE CITY OF Fargo FAR MORE

Notice of Dangerous Building Hearing – Order to Show Cause

Date: April 20, 2021

Location: 1648 8 Avenue S., Fargo, ND 58103
Property Owner: Christopher Mason Brockman Etal
Address of Property Owner: 1648 8 Avenue S., Fargo, ND 58103

Inspector: Laura Langdahl
Date of Posting: April 20, 2021

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 hearing regarding the dangerous building located at 1648 8 Avenue S., Fargo, ND, has been scheduled for Monday, May 3, 2021 at 5:15PM. The hearing will take place in the City Commission Chambers, located in City Hall at 225 4th Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend.

Dated on this 20th day of April, 2021.

Bruce Taralson
Inspections Director

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

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

Re: Notice of Dangerous Building *Order to Show Cause* Hearing
CM Receipt#: 9214 8901 9403 8338 0355 85

Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 20th day of April, 2021, she served the attached notice, upon Christopher Mason Brockman Etal, by placing true and correct copies thereof in an envelope addressed as follows:

Christopher Mason Brockman Etal
1648 8 AVE S
Fargo, ND 58103-2536

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

Gretchen Morlan

Subscribed and sworn to before me this 20th day of April, 2021.

Notary Public
Cass County, North Dakota

(SEAL) STEVEN SPRAGUE
Notary Public
State of North Dakota
My Commission Expires Aug. 13, 2023

UNITED STATES POSTAL SERVICE®

Return address:

CITY OF FARGO
225 4TH STREET NORTH
FARGO ND 58108

Recipient address:

CHRISTOPHER MASON BROCKMAN ETAL
1648 8TH AVE S
FARGO ND 58103-2536

USPS CERTIFIED MAIL

9214 8901 9403 8338 0355 85

USPS Tracking Label Number: 9214 8901 9403 8338 0355 85

USPS Tracking History	Postal Facility	ZIP	Date	Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM		FARGO,ND 58108		04/20/2021 12:01
ORIGIN ACCEPTANCE		FARGO,ND 58108		04/20/2021 18:33
PROCESSED THROUGH USPS FACILITY		FARGO,ND 58102		04/20/2021 19:48
ARRIVAL AT UNIT		FARGO,ND 58103		04/21/2021 06:08
OUT FOR DELIVERY		FARGO,ND 58103		04/21/2021 06:19
NO AUTHORIZED RECIPIENT AVAILABLE		FARGO,ND 58103		04/21/2021 12:13
REMINDER TO SCHEDULE REDELIVERY		FARGO,ND 58103		04/26/2021 03:12

AFFIDAVIT OF SERVICE

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

Re: Posting of Dangerous Building Hearing Notice – *Order to Show Cause*

Laura Langdahl, being first duly sworn and being of legal age, deposes and says that on the 20th day of April 2021, she posted the attached notice upon the garage located at the following address:

1648 8 AVE S
Fargo, ND 58103

Laura Langdahl

Subscribed and sworn to before me this 20th day of April, 2021.

Notary Public
Cass County, North Dakota

STEVEN SPRAGUE
Notary Public
State of North Dakota
My Commission Expires Aug. 13, 2023
(SEAL)

Fargo Inspections

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

THE CITY OF Fargo FAR MORE

NOTICE OF CHANGE FROM SUBSTANDARD BUILDING

TO DANGEROUS BUILDING DUE TO INTERIOR INSPECTION ON 3/2/2021

TO: Christopher Mason Brockman

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 1648 8 Ave S, and is located on that tract of land in the city of Fargo, more particularly described as follows: Lot: 16 Block: 6 DARLINGS 2ND LOT 16 BLK 6
(hereinafter referred to as "the building")

3. That an inspection was made of the building on 3/2/2021 by Bill Thompson, Building Inspector, and on 3/2/2021 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 with detached garage 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 12 day of March, 2021.

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.

12. Application for Appeal. Section 111.1 of the International Property Maintenance Code states that any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 12 day of March, 2021.

Conditions Found Statement

On 3/2/2021, Building Inspector Bill Thompson, was present at 1648 8 Ave S, Fargo, ND to address a complaint. The following violations were found:

The following violations were found:

- Extensive fire damage to detached garage
- Multiple broken and boarded up windows resulting in an insecure building
- Signs of infestation due to missing soffit, fascia and holes in exterior
- Large amounts of unpermitted electrical, plumbing and mechanical work
- Electrical panel has been tampered with
- Large portion of ceiling missing in northwest room
- Extensive damage to interior of house with large amounts of junk and debris
- Smoke alarms disarmed
- Large areas of fence are damaged or broken
- Junk as well as multiple abandoned vehicles in yard and driveway

A record of past complaints is available documenting property has a history of noncompliance with multiple city codes and ordinances dating back to 2011.

The following action must be taken:

- Demolish building within 30 days of the date on this notice or
- Obtain permit to repair with full structural engineering and plans to bring all electrical, plumbing and mechanical up to current code.

Laura Langdahl
Code Enforcement Inspector
City of Fargo, ND

Bruce Taralson
Inspections Director

3/12/21
Date Signed

AFFIDAVIT OF SERVICE

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

Re: Posting of Dangerous Building Notice – 1648 8 Avenue S., Fargo, ND

Laura Langdahl, being first duly sworn and being of legal age, deposes and says that on the 12th day of March 2021, he posted the attached notice upon the following address:

1648 8 Avenue S.
Fargo, ND 58102

Laura Langdahl

Subscribed and sworn to before me this 12th day of March, 2021.

MIRANDA WOLF
Notary Public
State of North Dakota
My Commission Expires May 18, 2023

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 – 1648 8 Avenue S., Fargo, ND
CM Receipt#: 9214 8901 9403 8334 3137 86

Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 12th day of March, 2021, she served the attached notice, upon Christopher Brockman, by placing true and correct copies thereof in an envelope addressed as follows:

Christopher Brockman
1648 8 Avenue S.
Fargo, ND 58103

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

Gretchen Morlan

Gretchen Morlan

Subscribed and sworn to before me this 12th day of March, 2021.

Miranda Wolf

Notary Public
Cass County, North Dakota

MIRANDA WOLF
Notary Public
State of North Dakota
My Commission Expires May 18, 2023

(SEAL)

CERTIFIED MAIL

USPS CERTIFIED MAIL

9214 8901 9403 8334 3137 86

City of Fargo
225 4th Street North
Fargo ND 58108

LN ej
3-17
3-26
4-1

CHRISTOPHER MASON BROCKMAN
1648 8TH AVE S
FARGO ND 58103-2536

58103 2536 C025
58102>4817

neopost
03/12/2021
USPOSTAGE $0

NIXIE 581 DE 1 0004/04/21
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 58102481725 *0433-02710-13-43

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: 03/11/2021

TO: Bruce Taralson, Inspections Administrator

FROM: James Haley, Deputy City Assessor

SUBJECT: 1648 8 Ave S

On March 2, 2021, I viewed the interior, exterior, and garage structure at 1648 8 Ave S.

My calculations indicate that the cost to cure the deterioration of the subject building exceeds 50% of the most recent certified True & Full Improvement value of the building.

INSPECTIONS

225 4th STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: 701-241-1561
FAX: 701-241-1561

FINDING AND DETERMINATION OF SUBSTANDARD BUILDING ORDER TO MAKE REPAIRS AND NOTICE OF RIGHT TO APPEAL

DATE:
2/26/2021
ADDRESS AND/OR LEGAL DESCRIPTION OF SUBJECT PROPERTY:
1648 8th Ave S, Fargo ND 58103
Lot: 16 Block: 6 DARLINGS 2ND LOT 16 BLK 6
NAME OF PROPERTY OWNER:
CHRISTOPHER MASON BROCKMAN
ADDRESS OF PROPERTY OWNER:
1648 8th Ave S, Fargo ND 58103
NAMES AND ADDRESSES OF MORTGAGE HOLDERS, LIENHOLDERS ET CETERA AND LESSEES OF RECORD:
QUICKEN LOANS
NAME OF INSPECTOR:
LAURA LANGDAHL

Finding of substandard building. The undersigned building official has determined the above-described subject property to be a substandard building, as is defined by the International Property Maintenance Code 2018 edition, as adopted by reference in the Fargo Municipal Code at section 31-0101. Specifically, the violations of said housing code have been identified and are described more fully in the conditions found statement of the Inspection Division, a copy of which is attached hereto and incorporated herein as if fully set forth.

Order to secure and repair. The undersigned building official has determined that the building must be secured and repaired. Therefore, **it is hereby ordered all windows and doors on the building be secured by March 4**. Also therefore, it is hereby ordered that **all required permits be secured for the appropriate repair of the building or structure and the work physically commenced within 14 days** of the date of this order and such work completed within 30 days; which is a period of time for completion determined by the undersigned building official to be reasonable under all of the circumstances.

NOTICE OF RIGHT TO APPEAL

PLEASE BE ADVISED that any person having any record, title, or legal interest in the building, described above, may appeal from this Notice and Order or any action of the undersigned building official to the Housing Advisory and Appeals Board, provided the appeal is made in writing as provided in the International Property Maintenance Code 2018 edition, and filed with the undersigned building official within 30 days from the date of service of this Notice and Order. Please be further advised that failure to appeal this Notice and Order will constitute a waiver of all right to an administrative hearing and determination of the matter.

The foregoing constitutes the order of the undersigned building official under the authority set forth by the provisions of the Fargo Municipal Code and the International Property Maintenance Code 2018 edition, and the required notice of right to appeal.

Dated this 26TH day of February 2021

Chris Rose
Assistant Director of Inspections
City of Fargo
225 4th Street North
Fargo, ND 58102

STATEMENT OF CONDITIONS FOUND

- Garage was damaged by fire, permit obtained for repair 3/2021. No repairs or inspections made.
- Missing siding and protective treatment on both garage and house
- Missing fascia and weather proofing on soffit of home resulting in a large hole encouraging infestation
- 3 broken windows, two having been boarded up from the inside
- Multiple abandoned vehicles
- Damaged accessory structure (fence)
- Existing windows not in sound condition
- No water service since December
- Junk accumulation in side and rear yards
- Unpermitted work on house
- Property has a history of violations dating back to 2014

Laura Langdahl, Code Enforcement Inspector

AFFIDAVIT OF SERVICE

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

Re: Posting of Notice of Substandard Building – 1618 8 Ave S., Fargo, ND

Laura Langdahl, being first duly sworn and being of legal age, deposes and says that on the 26th day of February 2021, she posted the attached notice upon the following address:

1618 8 Avenue S.
Fargo, ND 58103

Laura Langdahl

Subscribed and sworn to before me this 26th day of February, 2021.

STEVEN SPRAGUE
Notary Public
State of North Dakota
My Commission Expires Aug. 13, 2023

Notary Public
Cass County, North Dakota

(SEAL)

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

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

Re: Notice of Substandard Building – 1648 8 Avenue S., Fargo, ND
CM Receipt#: 9214 8901 9403 8333 1757 43

Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 26th day of February, 2021, she served the attached notice, upon Christopher Mason Brockman, by placing true and correct copies thereof in an envelope addressed as follows:

Christopher Mason Brockman
1648 8 Avenue S.
Fargo, ND 58103

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

Gretchen Morlan

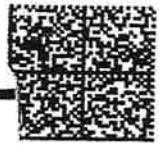
Subscribed and sworn to before me this 26th day of February, 2021.

STEVEN SPRAGUE
Notary Public
State of North Dakota
My Commission Expires Aug. 13, 2023

Notary Public
Cass County, North Dakota

(SEAL)

CERTIFIED MAIL



02 1R $ 05.86⁰
0002004780 FEB 26 2021
MAILED FROM ZIP CODE 58102

City of Fargo
225 4th Street North
Fargo ND 58108

USPS CERTIFIED MAIL

9214 8901 9403 8333 1757 43

LN ef
3-1

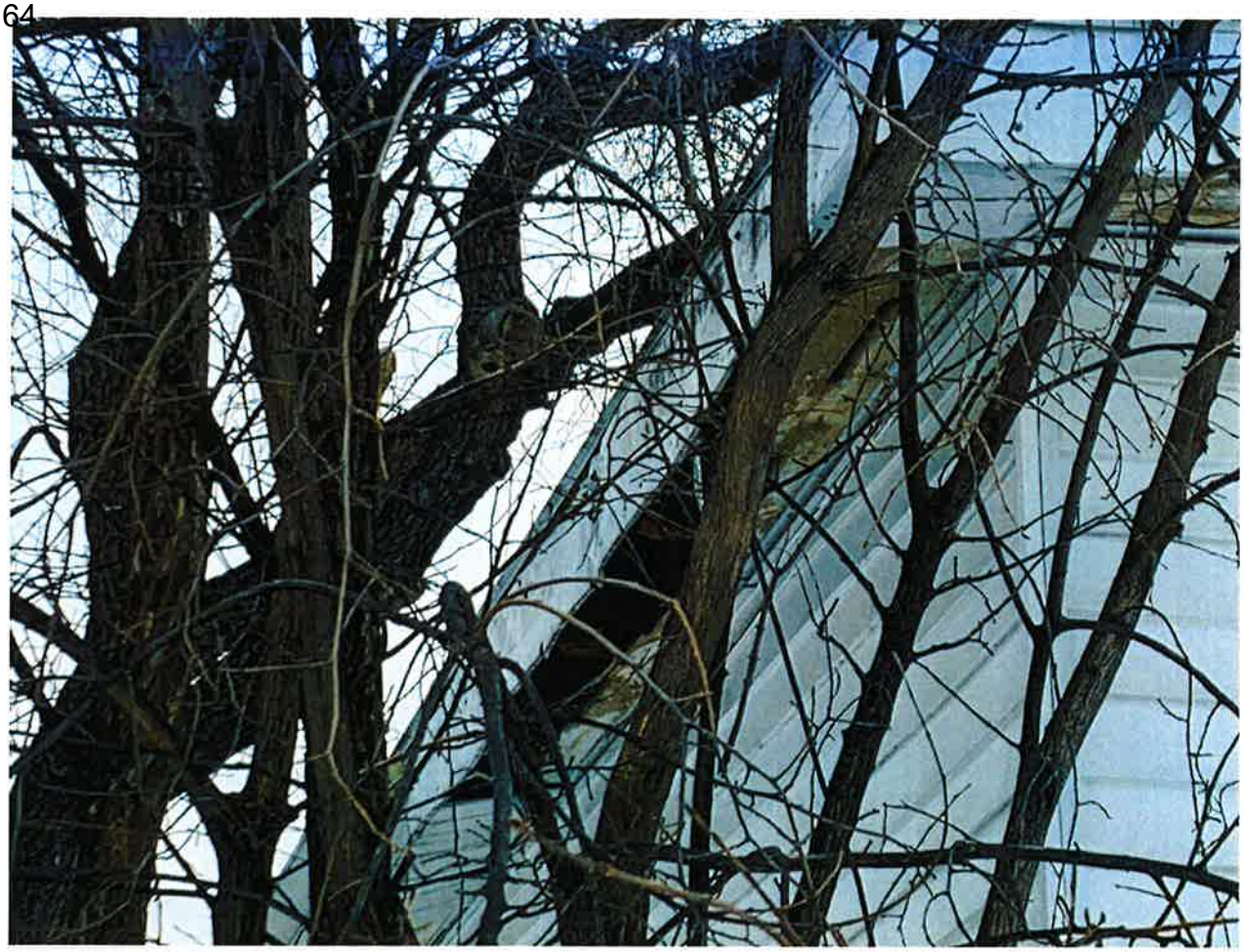
CHRISTOPHER MASON BROCK
1648 8TH AVE S
FARGO ND 58103-2536

58103\2536 C002
58102>4817

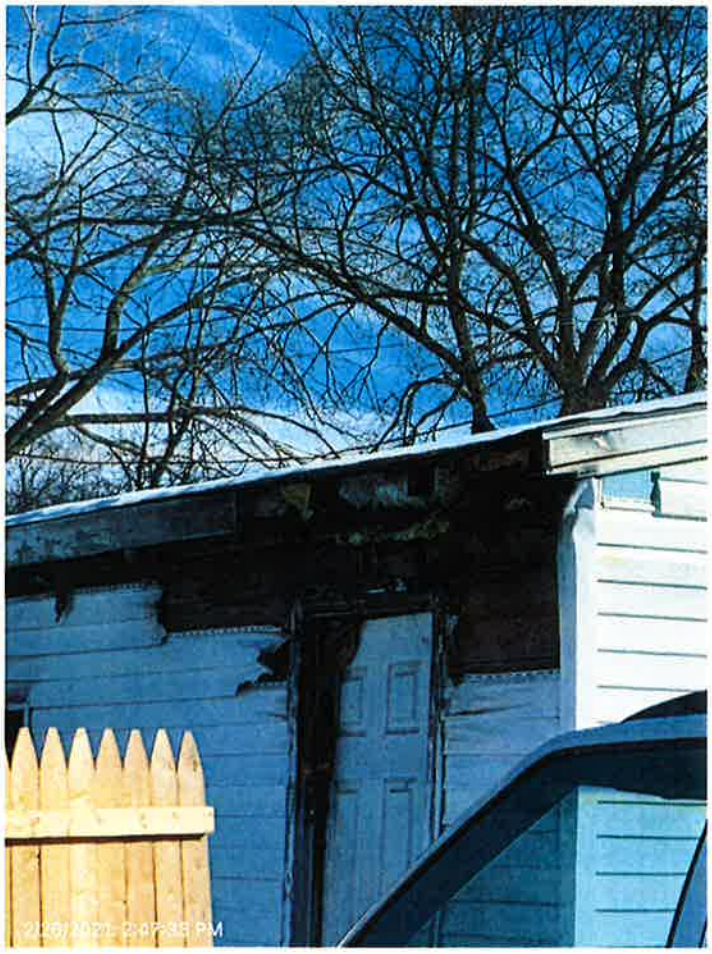
NIXIE 581 DE 1 0003/19/21
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 58102481725 *0435-05100-26-43

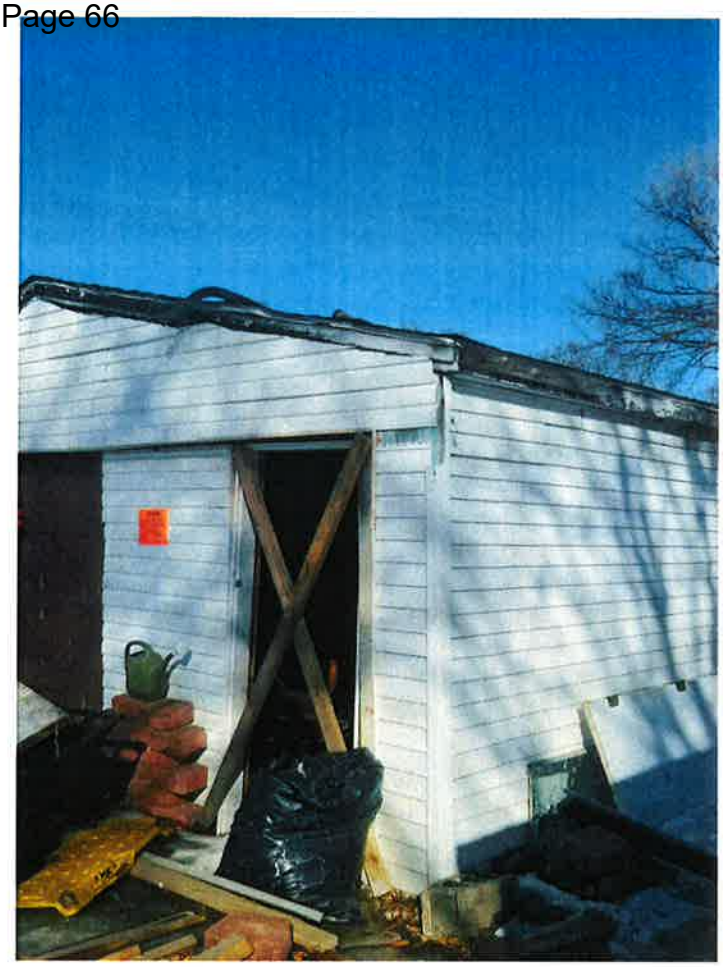
1648 8 Avenue S., Fargo, ND 2-26-2021

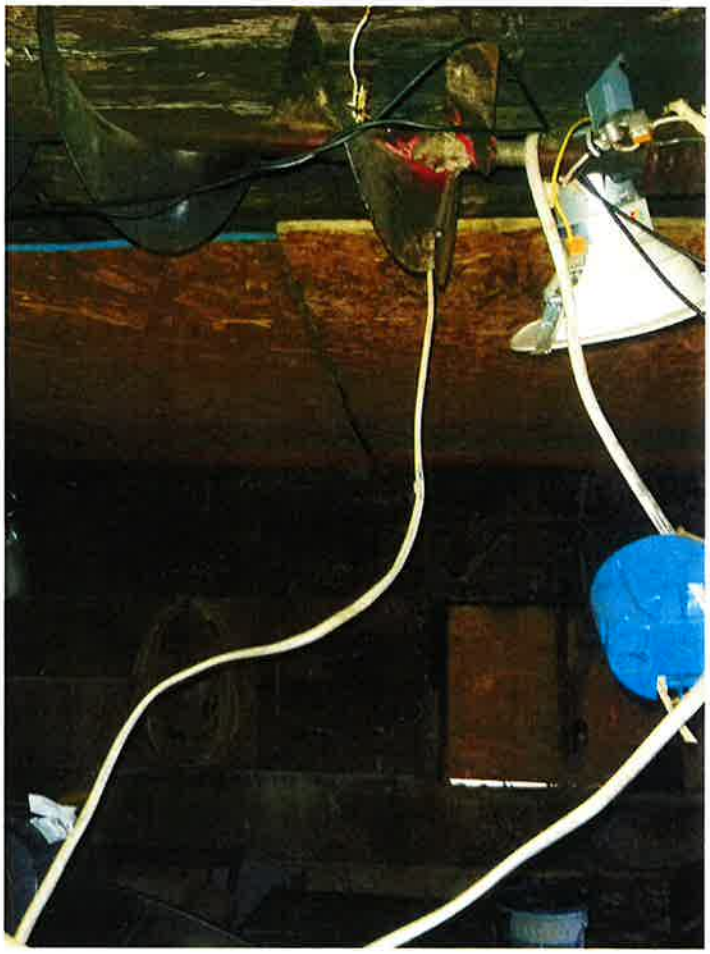


1648 8 Avenue S., Fargo, ND 2-26-2021

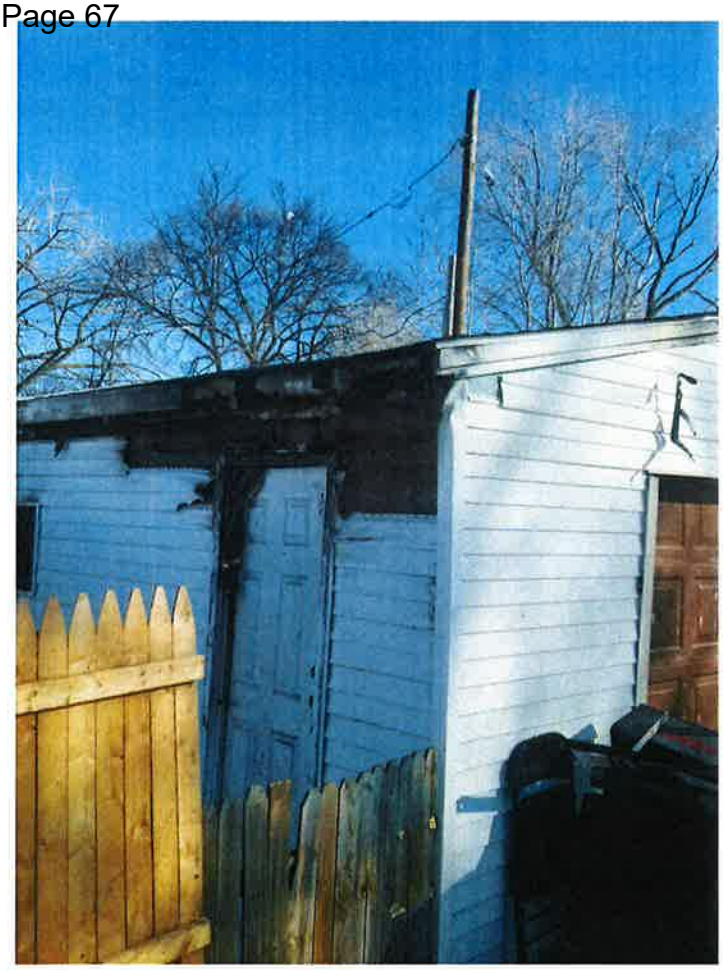


1648 8 Avenue S., Fargo, ND 2-26-2021

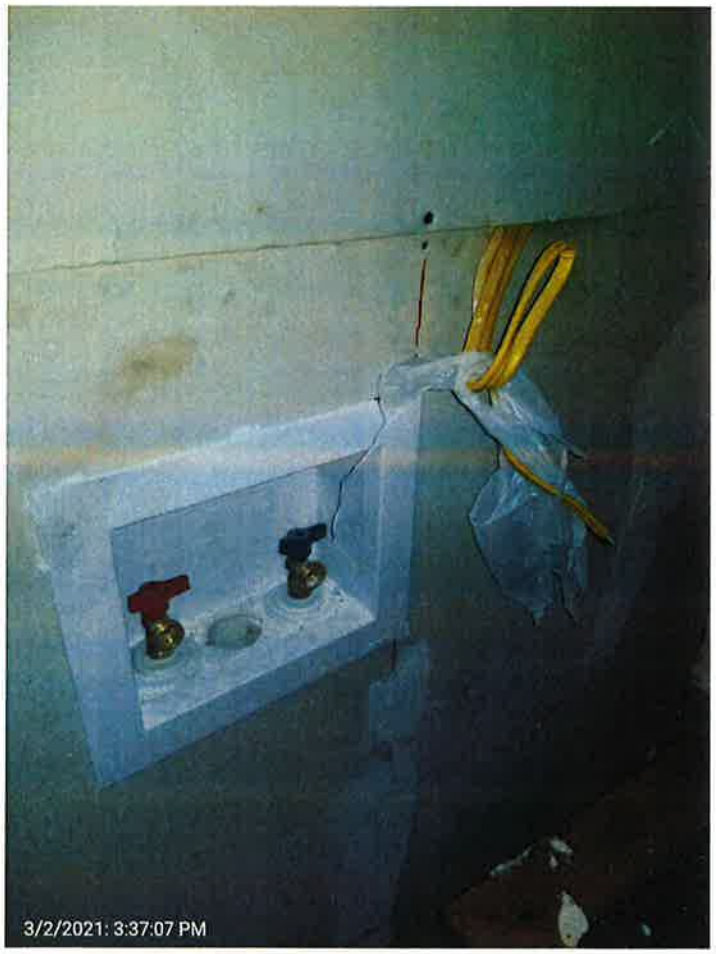


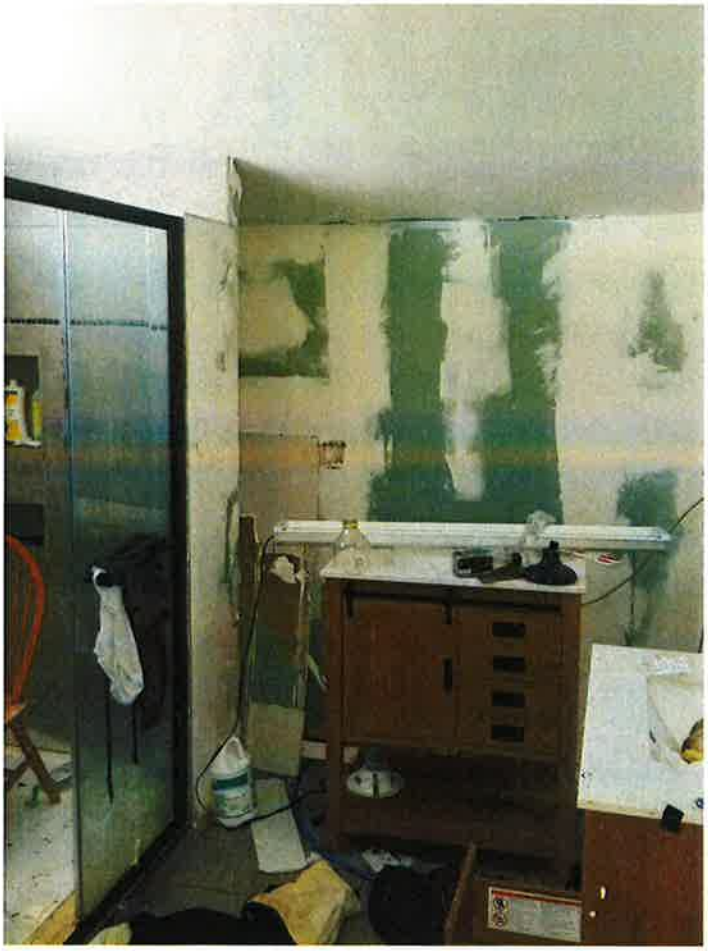


1648 8 Avenue S., Fargo, ND 3-2-2021

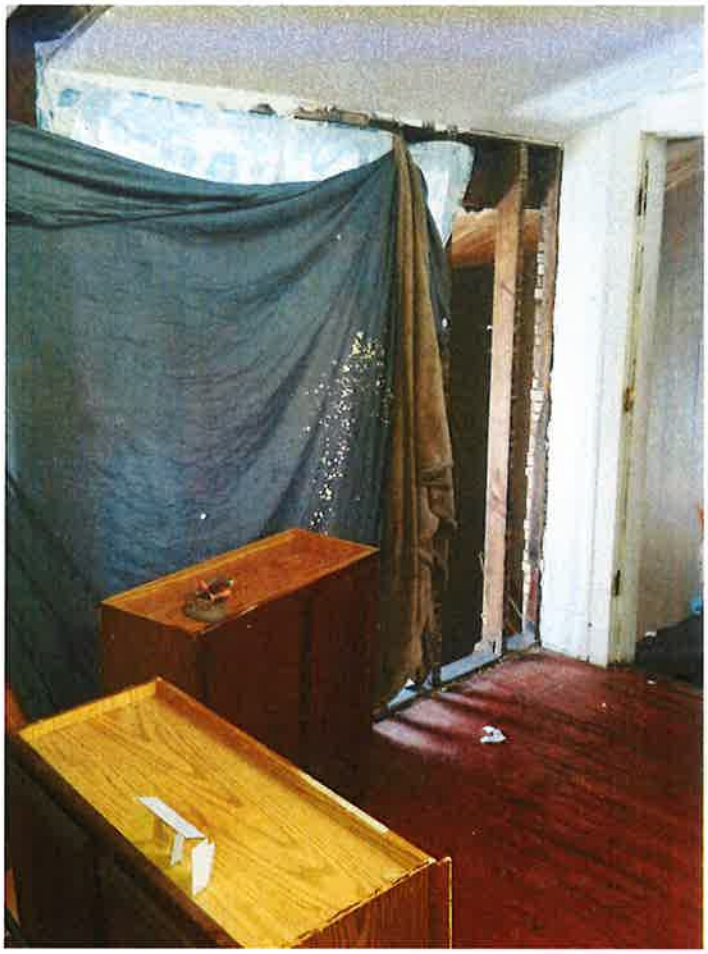


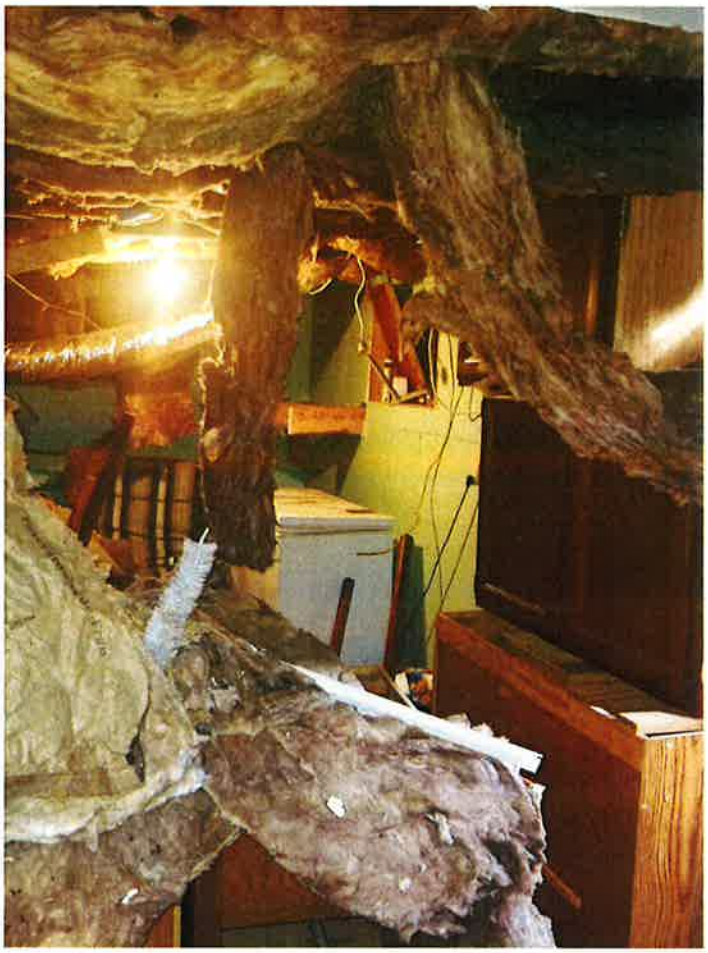
1648 8 Avenue S., Fargo, ND 3-2-2021



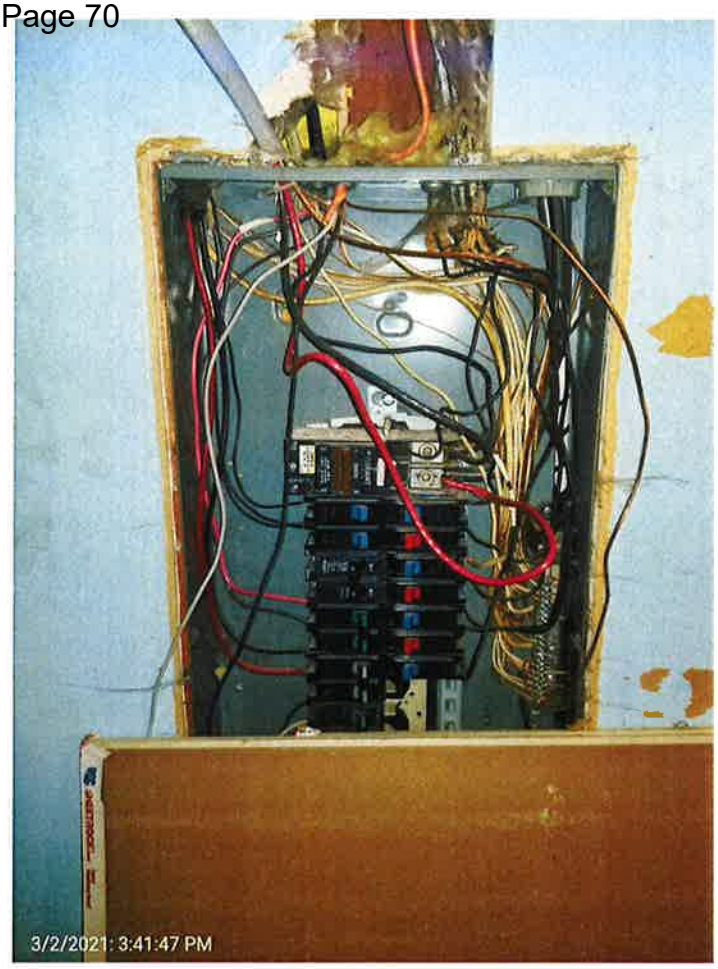


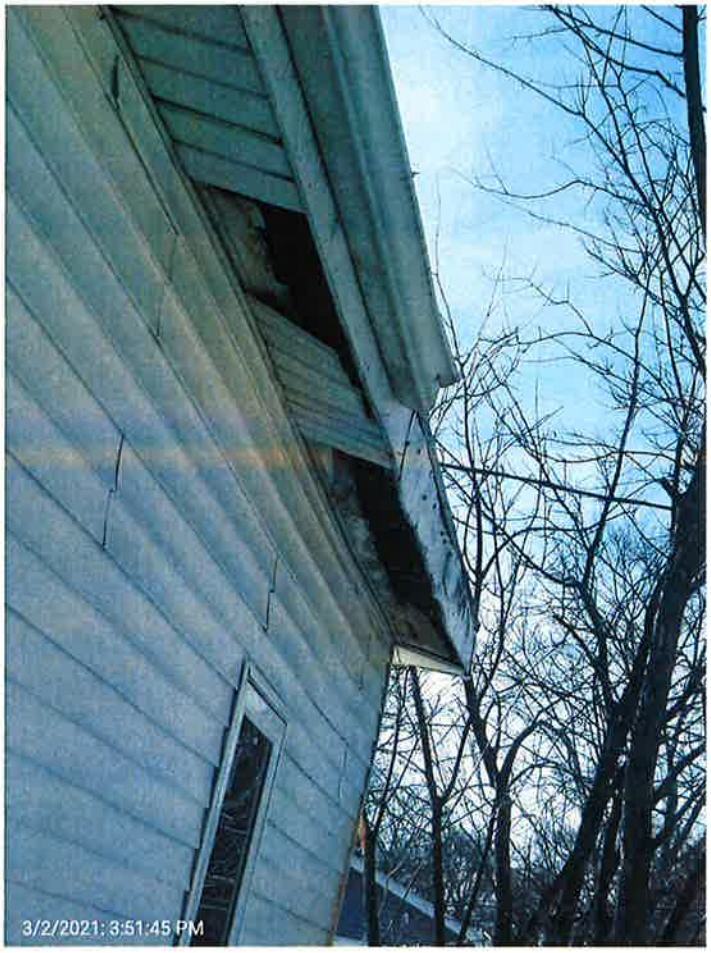
1648 8 Avenue S., Fargo, ND 3-2-2021

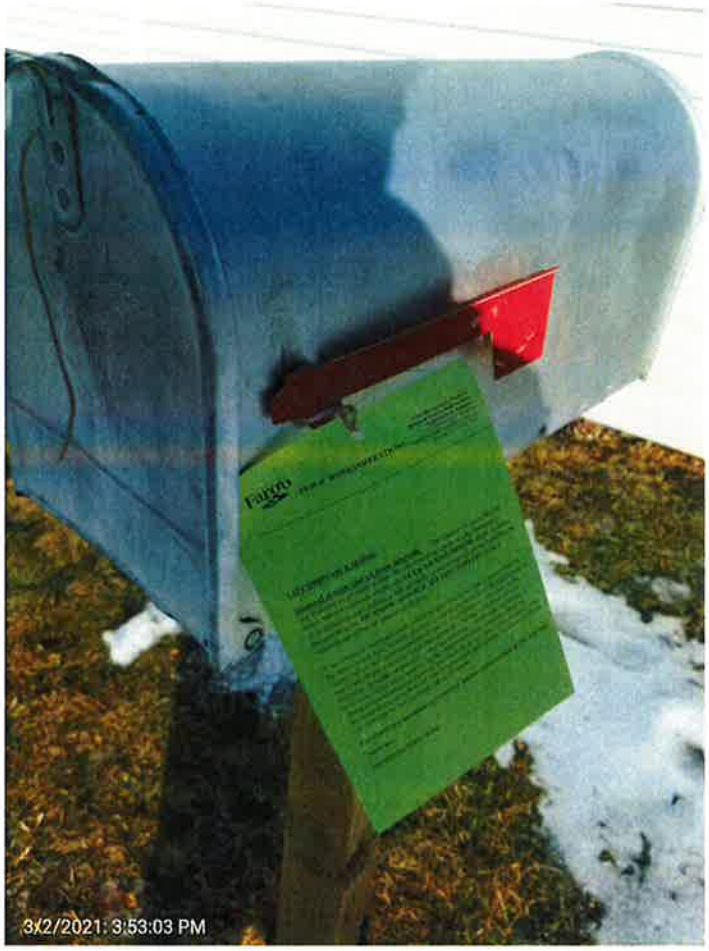




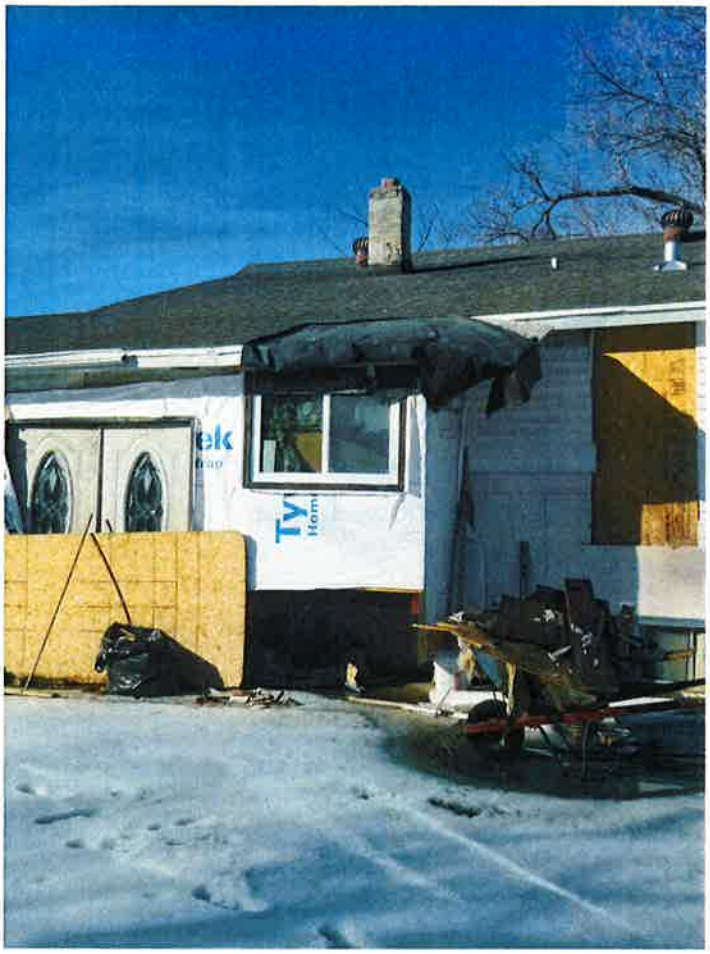
1648 8 Avenue S., Fargo, ND 3-2-2021

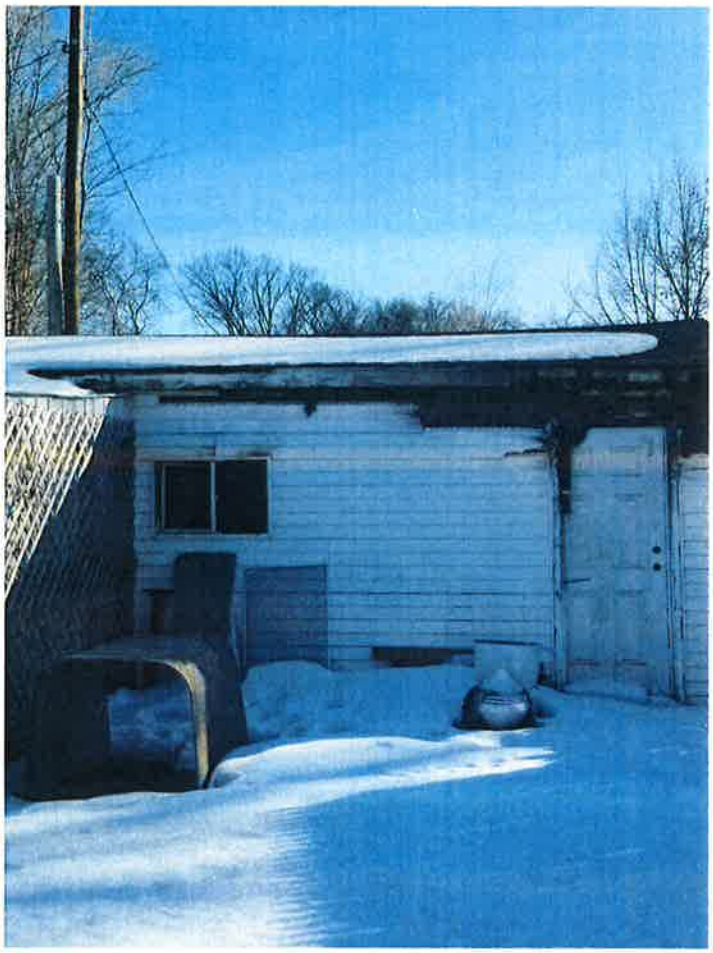




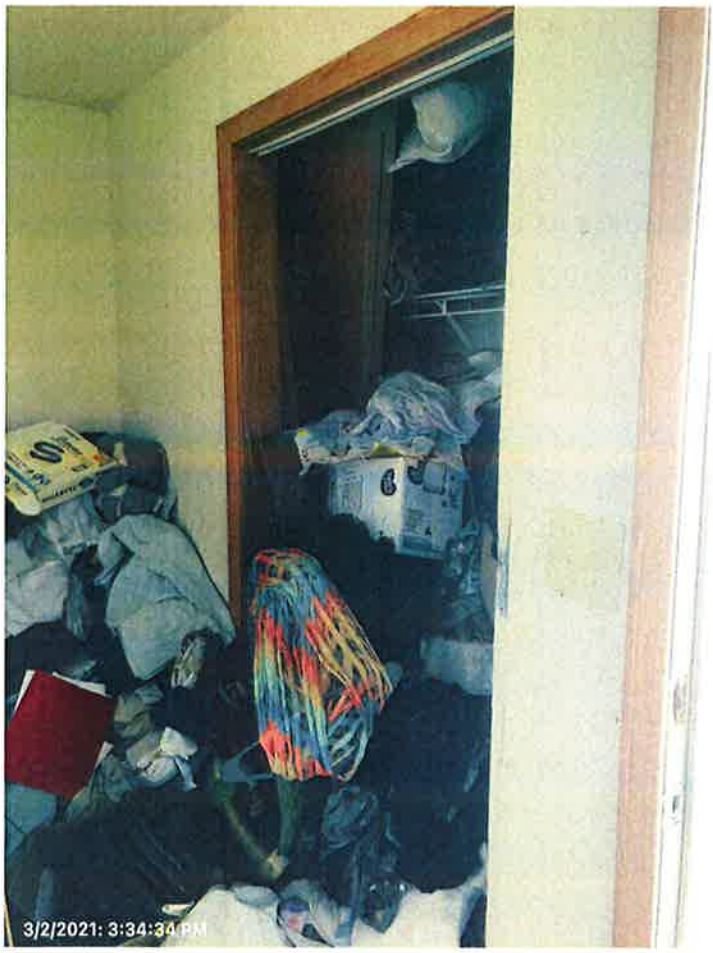


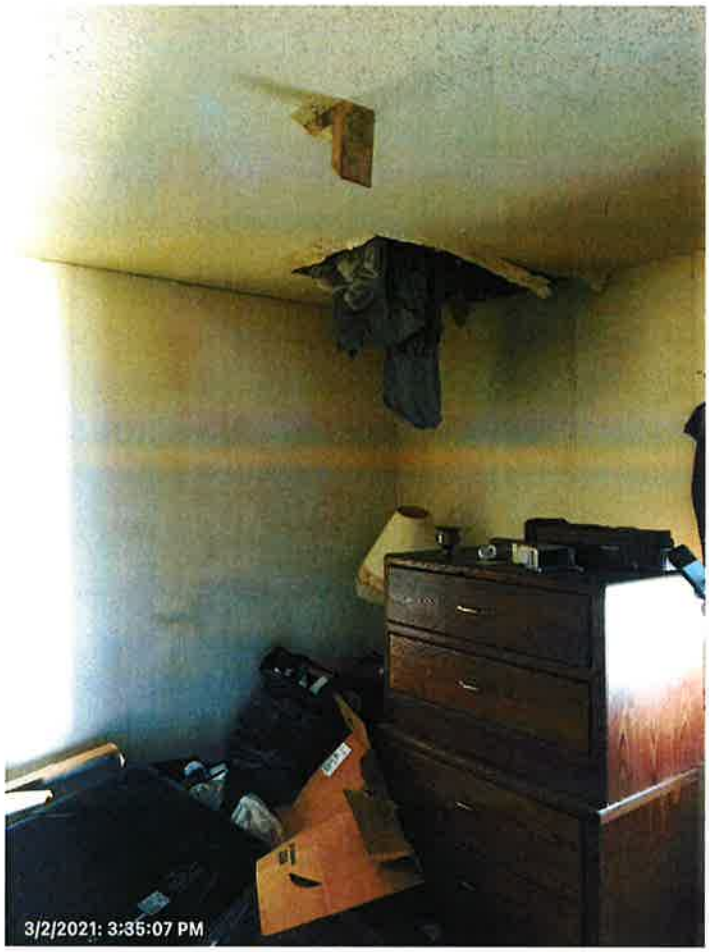
1648 8 Avenue S., Fargo, ND 3-2-2021



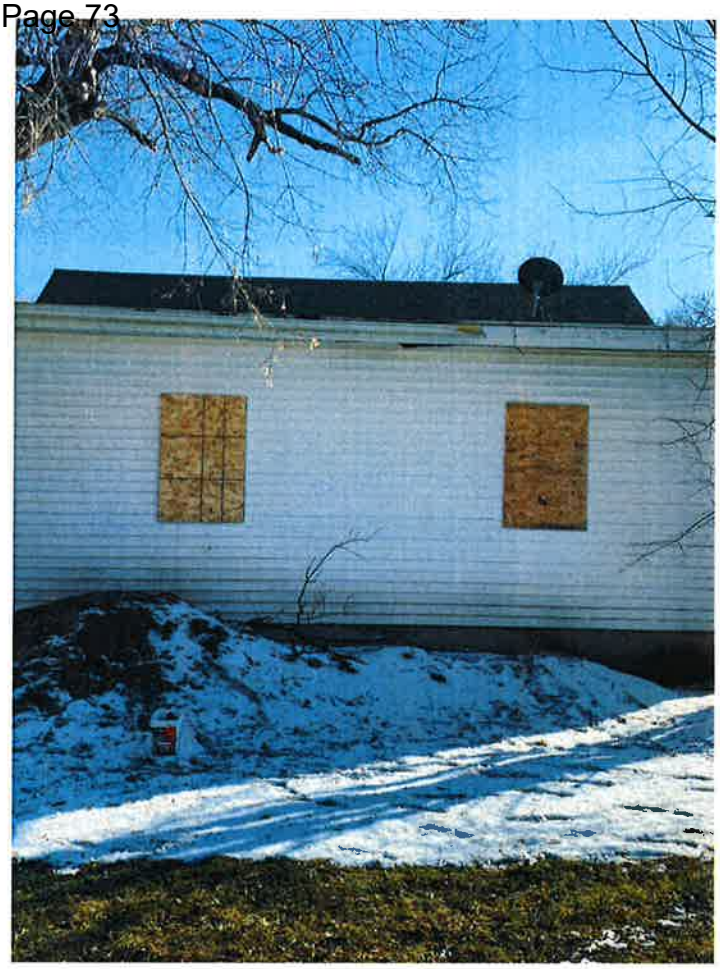


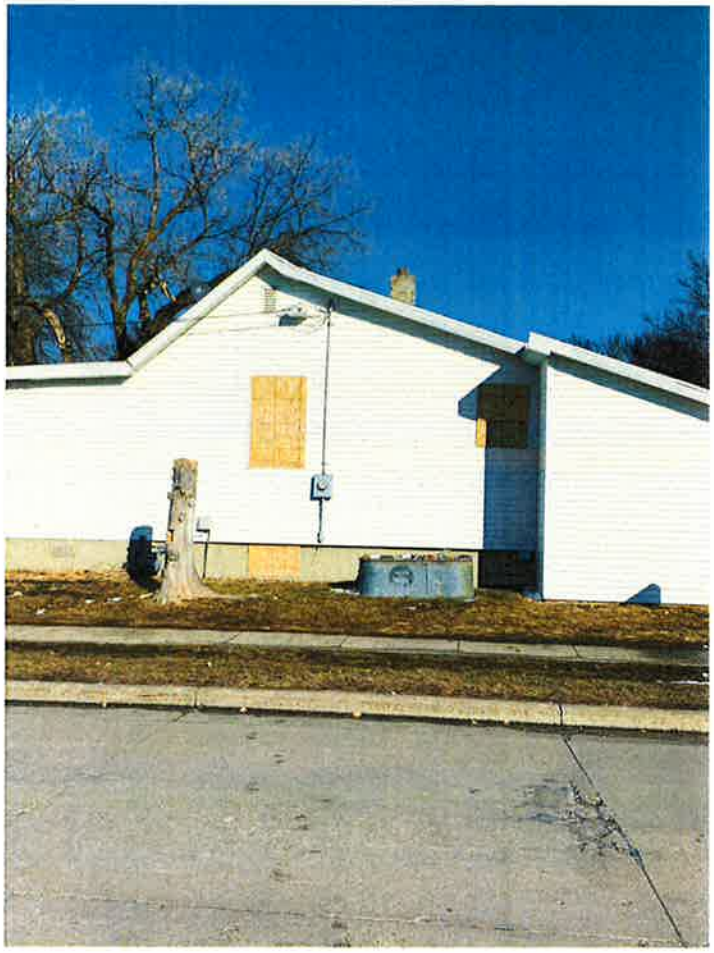
1648 8 Avenue S., Fargo, ND 3-2-2021

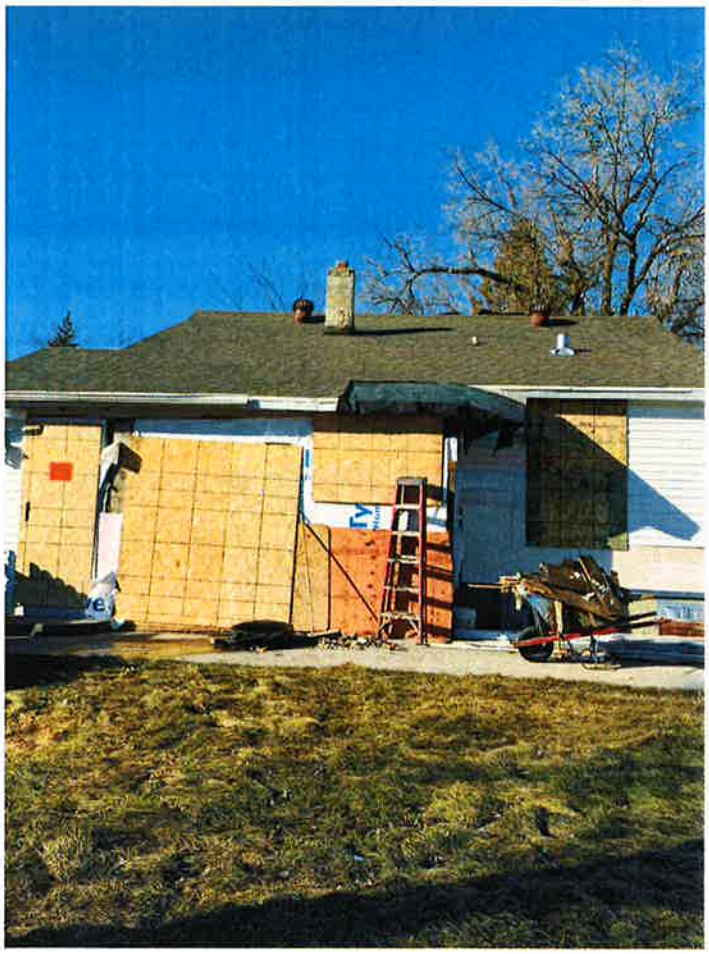




1648 8 Avenue S., Fargo, ND 3-9-2021







1648 8 Avenue S., Fargo, ND 3-12-2021

Date:	Time:	Incident Type	Nature of Call
8/29/2017	8:13:32 AM	Theft	Theft of go cart
10/4/2017	8:48:31 AM	Public Assist	1021
8/31/2019	12:51:46 PM	Stolen Vehicle	Stolen Vehicle
9/1/2019	9:03:11 PM	Public Assist	1021
3/26/2020	4:30:00 PM	Animal Call	Dogs at Large
7/25/2020	1:48:40 PM	Property Removal	
8/11/2020	9:50:24 PM	Suspicious	Susp
8/21/2020	3:07:03 PM	Violation of court orders	1021
8/26/2020	6:39:23 PM	Suspicious	Susp
10/20/2020	6:08:34 PM	Stolen Vehicle	RPT
10/22/2020	11:19:53 PM	Harassment	1021
10/24/2020	9:05:53 PM	Public Assist	1021
10/26/2020	12:29:46 PM	Public Assist	1021
10/26/2020	3:57:46 PM	Harassment	Harassment RPT
11/23/2020	5:26:59 PM	Property Removal	Standby while comp checks property
11/27/2020	1:04:25 PM	Propety Removal	Property Removal/D322
11/29/2020	11:58:58 AM	Suspicious	Susp Aband Vehs
2/4/2021	6:20:11 AM	Warrant - Wanted	
3/2/2021	2:53:21 PM	Agency Assist	Standby
3/12/2021	2:36:14 PM	Agency Assist	
4/10/2021	5:50:57 PM	Suspicious	Susp M

THE CITY OF Fargo FAR MORE

Inspections Office
Fargo City Hall
225 Fourth Street North
Fargo, ND 58102
Phone: 701.241.1561
Fax: 701.476.6779
www.FargoND.gov

34g

Memorandum

DATE: April 29, 2021

TO: Mayor Mahoney and Board of City Commissioners

FROM: Bruce Taralson, Inspections Director

SUBJECT: Dangerous Building Notice and Order at 1418 1 Avenue N., Fargo, ND

The property owner of 1418 1 Avenue N., Fargo, ND, has failed to comply with the requirements of our order and permit to complete the demolition of the heavily damaged building. In accordance with Fargo Municipal Code Article 21-0405, a hearing date was continued to May 3, 2021 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 June 30, 2021. Please direct the appropriate staff to secure the removal of this building at that time, should the owner fail to do so.**

THE CITY OF Fargo FAR MORE

Inspections Office
Fargo City Hall
225 Fourth Street North
Fargo, ND 58102
Phone: 701.241.1561
Fax: 701.476.6779
www.FargoND.gov

UPDATED DANGEROUS BUILDING ORDER TO COMMISSION- Detail and Timeline regarding 1418 1 Avenue N., Fargo, ND.

The hearing scheduled for May 3, 2021, 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 10 of the 10 criteria found in the ordinance which only one might be required. Our report on ordinance requirements is as follows:

1. The Inspections Department received a notice regarding the condition of the property.
2. The Inspections Department inspected the property.
3. The Inspections Department placarded building as a Dangerous Building.
4. The Inspections Department provided Dangerous Building notice to Owner allowing 14 days to obtain permit or demolish structure.
5. A permit was issued to demolish the heavily damaged structure.
6. The structure was not demolished according the requirements or deadline of the permit.
7. The permit is now invalid.
8. The Inspections Department is reporting 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 on December 9, 2020 and the Dangerous Building Order posted on December 15, 2020; The Owner did not take action as required by the notice.

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.

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 a fire that occurred on December 5, 2020 and current Inspections order. Deterioration is extensive. Building constructed in 1939.
Description: Warehouse & Office.
Description of damage:

- Roof is collapsed and windows are broken.
- Exterior walls are collapsing.
- Building is unsecured.
- Building interior and its contents appear to be completely destroyed.

Timeline of events:
4/29/2008: Vehicle removal notice – 20-30 mostly un-licensed vehicles.
10/13/2009: Vehicle removal notice – 1965 Buick Riviera.
10/22/2010: Complaint Received – "PC Pipe Open Under Building".
10/28/2011: Complaint Received – "Junk".
11/14/2011: Complaint Received – "Junk".
11/17/2011: Vehicle removal notice – 1994 Dodge Van.
12/6/2012: Complaint Received – "Junk on West side of property".
6/24/2016: Complaint Received – "Junk".
12/05/2020: Building was damaged due to fire.
12/9/2020: Building was placarded.
12/14/2020: Deputy Assessor, James Haley, deemed that the cost to cure the deterioration exceeds 50% of the most recent certified True & Full Improvement Value.
12/15/2020: Dangerous Building Notice was posted on structure and mailed to Owner via registered mail.
12/23/2020: Inspections requested Dangerous Building *Order to Show Cause* Hearing to be scheduled for January 11, 2021.
12/29/2020: The deadline expired to either obtain a permit to repair or demolish the structure as required by the Dangerous Building Notice.
12/29/2020: Notice of Hearing posted on building and mailed to Owner via registered mail.
1/6/2021: As per the City of Fargo Water Department, water usage was active until shutoff on December 7, 2020.
1/6/2021: As per Xcel Energy, there were active gas and electric services before the fire.
1/8/2021: Permit issued to Owner to demolish structure
1/11/2021: Original Dangerous Building Hearing – Hearing Continued to May 3, 2021.
4/16/2021: Notice of Hearing posted on building and mailed to Owner via registered mail.
5/3/2021: Dangerous Building Hearing – Continued from January 11, 2021.
5/18/2021: Anticipated issuance of *Findings of Fact* document.
6/1/2021: Deadline to appeal to District Court.
6/30/2021: 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.

Respectfully submitted,
Dated this 29th day of April, 2021.

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: April 16, 2021

Location: 1418 1 Avenue N., Fargo, ND 58102
Property Owner: Gary J Reinhart
Address of Property Owner: 1420 1 Avenue N., Fargo, ND 58102-1609

Inspector: Mike Moss
Date of Posting: April 16, 2021

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 1418 1 Avenue N., Fargo, ND has been scheduled for Monday, May 3, 2021 at 5:15PM. The hearing will take place in the City Commission Chambers, located at 225 4th Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend, and any interested party will be given a chance to speak during the meeting.

Dated on this 16th day of April, 2021.

Mike Moss
Building Inspector

Bruce Taralson
Inspections Director

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

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

Re: Notice of Dangerous Building *Order to Show Cause* Hearing
CM Receipt#: 9214 8901 9403 8337 8208 61

Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 16th day of April, 2021, she served the attached notice, upon Gary J Reinhart, by placing true and correct copies thereof in an envelope addressed as follows:

Gary J. Reinhart
1420 1 Ave N.
Fargo, ND 58102

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

Gretchen Morlan

Subscribed and sworn to before me this 16th day of April, 2021.

JILL PAGEL
Notary Public
State of North Dakota
My Commission Expires Feb. 26, 2025

Notary Public
Cass County, North Dakota

(SEAL)

UNITED STATES POSTAL SERVICE.

Mailer: City of Fargo

Date Produced: 04/19/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 8208 61. Our records indicate that this item was delivered on 04/17/2021 at 10:34 a.m. in FARGO, ND 58102. The scanned image of the recipient information is provided below.

Signature of Recipient : AC C-19

REINHART

Address of Recipient : 1420 1ST AVE N FARGO, ND 58102

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

GARY J REINHART
1420 1ST AVE N
FARGO ND 58102-4204

Customer Reference Number: C2641332.15224958

AFFIDAVIT OF SERVICE

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

Re: Posting of Dangerous Building Hearing Notice – *Order to Show Cause*

Michael Moss, being first duly sworn and being of legal age, deposes and says that on the 16th day of April 2021, he posted the attached notice upon the garage located at the following address:

1418 1 Avenue N.
Fargo, ND 58102

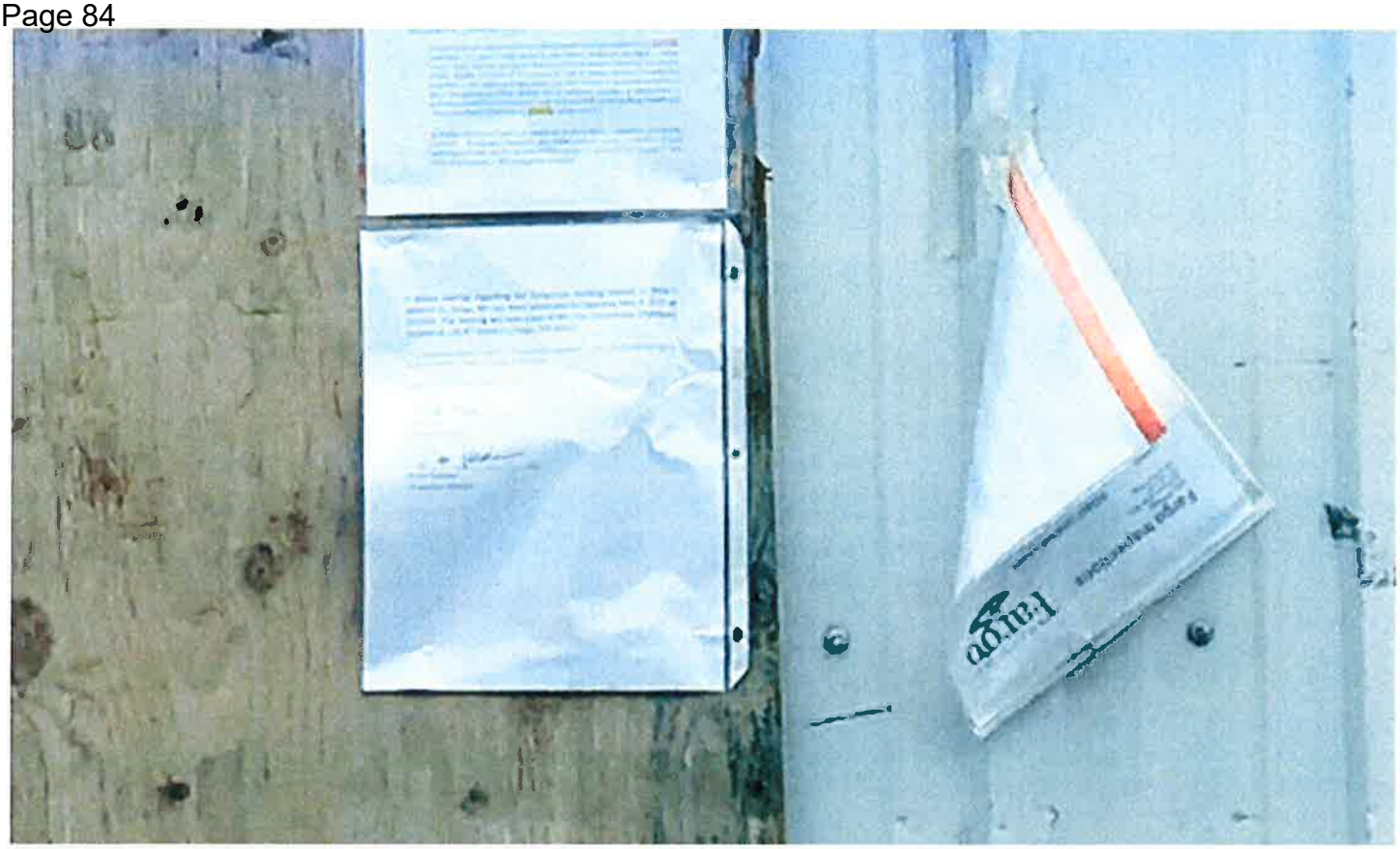
Michael Moss

Subscribed and sworn to before me this 16th day of April, 2021.

JILL PAGEL
Notary Public
State of North Dakota
My Commission Expires Feb. 26, 2025

Notary Public
Cass County, North Dakota

(SEAL)



1418 1 Avenue N., Fargo, ND 4-16-2021

1418 1 Avenue N., Fargo, ND 4-29-2021

CITY OF Fargo

PUBLIC WORKS
OPERATIONS

Fleet Management, Forestry,
Streets & Sewers,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1453
FAX: (701) 241-8100

37

April 28, 2021

The Honorable Board of City Commissioners
225 4th Street N.
Fargo, ND 58102

Re: 2021 FARGO/CASS COUNTY MOSQUITO CONTROL AGREEMENT

Commissioners:

Enclosed please find the Fargo/Cass Mosquito Control Agreement for the 2021 mosquito season. At this time, the enclosed contract has been fully reviewed and approved by city staff. The Fargo contract costs have remained consistent with the 2020 contract and no changes have been made.

All funding associated with the enclosed agreement has been fully accounted for within the 2021 vector control budget.

RECOMMENDED MOTION: I/we hereby move to approve and authorize the execution of the enclosed Mosquito Control Agreement with Cass County for 2021.

Respectfully submitted,

Ben Dow
Public Works Director

2021 MOSQUITO CONTROL AGREEMENT
CITY OF FARGO AND CASS COUNTY GOVERNMENT

This is an agreement to formalize the partnership for mosquito control between the City of Fargo and Cass County Government during the 2021 mosquito control season. The agreement is made between the City of Fargo, whose office is located at 200 North 3rd Street, Fargo, North Dakota 58102, hereinafter CITY, and Cass County Government whose office is 211 Ninth Street, Fargo, ND 58018 hereinafter COUNTY.

THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

1. COUNTY agrees to provide mosquito control activities throughout the Vector Control District commensurate with the funding available. For the 2021 season, approximately $789,967 in Vector Control Mill funds has been designated for the Countywide Vector Program. COUNTY funds will be used within the CITY and in surrounding areas with the objective being to distribute products and services commensurate with the source of revenue.

2. In addition to service provided in paragraph 1, COUNTY will provide services within the CITY for various mosquito control activities such as but not limited to: making applications of pesticides using off-highway vehicles, spraying mosquitoes in and surrounding Fargo including parks and schools, inspection of public and private property, collection of mosquito traps for population monitoring. The COUNTY Vector Director will provide technical direction and coordination of these activities. The Vector Director will also work in cooperation with CITY officials to provide other technical and administrative assistance as necessary.

3. CITY agrees to provide funding to support the activities referred to in paragraph 2. The total cost for these activities is $290,000. Estimated start date and end dates for activities is April 15th to October 1st respectively.

4. COUNTY will provide services within the predetermined "Extra-territorial" area for various mosquito control activities such as but not limited to: making applications of pesticides using off-highway vehicles, inspection of public and private property, and collection of mosquito traps for population monitoring.

5. CITY agrees to fund fifty percent (50%) of the activities described in paragraph 4. COUNTY agrees to fund fifty percent (50%) of the activities described in paragraph 4. Anticipated total cost of services defined in paragraph 4 are estimated to not exceed $40,000.

6. COUNTY will provide monthly statements to CITY of time and materials, and invoice CITY monthly.

7. CITY agrees to fund the cost of city-wide adult mosquito spraying at $3,000 per full application. Estimate between 5 and 10 applications per season dependent upon conditions. Adult mosquito spraying will be invoiced monthly.

8. If funding needed to maintain activities in paragraph 2 and paragraph 5 is forecasted to exceed $302,000 COUNTY must provide CITY with written notice requesting contract adjustment 14 days prior to contract funding shortfall. All COUNTY contract adjustments will receive acceptance or rejection through written notice by CITY within 10 days of request. Failure by CITY to respond to COUNTY within 10 days of request will constitute CITY acceptance of contract adjustments.

All requests for contract adjustments shall be submitted to:

Fargo Public Works
402 23rd Street N.
Fargo, ND 58102

9. If COUNTY fails to comply with paragraph 6, all costs associated with activities outlined in paragraph 2 exceeding contracted dollar amounts will be the sole responsibility of COUNTY to fund.

10. COUNTY will fund up to $73,000 for up to one (1) aerial spray application or comparable partial applications within the metro area including within CITY limits and surrounding area when determined necessary.

11. CITY agrees to fund any additional costs for aerial spraying above or beyond paragraph 8 when CITY requests the contracted services of an aerial applicator. COUNTY will coordinate the aerial spray operation upon the CITY's approval or after expressed written permission is given by the CITY authorizing the Vector Control Director as its agent to make the determination. Additional funds for an aerial application are available for use in COUNTY at the discretion and authorization of COUNTY.

12. COUNTY agrees to assume all liability and agrees to indemnify and defend the CITY from all direct and indirect, present and future claims or causes of action, which in any way result from the activities of the COUNTY in completion of the tasks stated herein or may result from the decisions, recommendations, actions, omissions of actions or other errors on the part of COUNTY, its employees or contractors and any party from which COUNTY may obtain information or services for the completion of the same. This assumption of liability and agreement to hold harmless is intended to cover any present or future activities undertaken by COUNTY in furtherance of this agreement.

13. CITY agrees to assume all liability and agrees to indemnify and defend the COUNTY from all direct and indirect, present and future claims or causes of action, which in any way result from the activities of the CITY in completion of the tasks stated herein or may result from the decisions, recommendations, actions, omissions of actions or other errors on the part of CITY, its employees or contractors and any part from which CITY may obtain information or services for the completion of the same. This assumption of liability and agreement to hold harmless is intended to cover any present or future activities undertaken by CITY in furtherance of this agreement.

Chair, Cass County Commission _____ Date 4-5-2021

Mayor, City of Fargo _____ Date _____

CITY OF
Fargo
ASSESSMENT DEPARTMENT

38a

April 15, 2021

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 1802 32 Ave S as submitted by Home Builders Association of Fargo-Moorhead. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $3,695 with the City of Fargo's share being $630.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

225 4th Street N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Home Builders Association of Fargo-Moorhead Phone No. (701) 232-5846
2. Address of Property 1802 32nd Ave S

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.

   Lot: 1 Block: 2 Addition: South Pointe 2nd Additional: SOUTH POINTE 2ND LT 1 BLK 2 LOT 1 LESS THE S 60 FT. BLK 2 SOUTH POINTE 2ND *11/13/91 SPL/FR 283.1-0250.0
4. Parcel Number 01-2831-00255-000 Residential ☐ Commercial ☒ Central Business District ☐
5. Mailing Address of Property Owner 1802 32nd Ave S

   City Fargo State ND Zip Code 58103

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Remodel building for additional office space, construct 2 ADA restrooms, new entry, create large meeting room, re-side building and all new lighting.
7. Building Permit No. 1905 0881 8. Year Built 1991
9. Date of Commencement of making the improvement June 2019
10. Estimated market value of property before improvement $572,200
11. Cost of making the improvement (all labor, material and overhead) $454,514
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 Bryce Johnson Date 4/13/21

Assessor's Determination

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

    Assessor's Signature [illegible] Date 4-19-2021

Action of Governing Body

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

    Approval subject to the following conditions:

    Chairman of Governing Body Date

CITY OF Fargo

ASSESSMENT DEPARTMENT

386

April 21, 2021

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 1526 28 ½ Ave S as submitted by Jeffrey & Marion Kuehn. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $790 with the City of Fargo's share being $135.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

225 4th Street N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Jeffrey & Marion Kuehn Phone No. 701.234.0183
2. Address of Property 1526 28 1/2 Ave S

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed. Lt 27 Blk C The Meadows
4. Parcel Number 01-1910-00670-000 Residential ☒ Commercial ☐ Central Business District ☐
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). Kitchen remodel
7. Building Permit No. 20110254 8. Year Built 1985
9. Date of Commencement of making the improvement December 28, 2020
10. Estimated market value of property before improvement $ 170,000
11. Cost of making the improvement (all labor, material and overhead) $ 60,000
12. Estimated market value of property after improvement $ 210,000

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 Marion Kuehn Date 4/18/21

Assessor's Determination

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

    Assessor's Signature [signature] Date 4-28-2021

Action of Governing Body

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

    Approval subject to the following conditions: _____

    Chairman of Governing Body _____ Date _____

Submit Via Email

CITY OF Fargo

ASSESSMENT DEPARTMENT

38c

April 23, 2021

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 1201 9 St S as submitted by Shane & Tricia Erstad. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $810 with the City of Fargo's share being $140.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

225 4th Street N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Shane + Tricia Erstad Phone No. 701-261-5271
2. Address of Property 1201 9th St. S.

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.

   Lot 12 + 13; Block QQ Erskines
4. Parcel Number 01-0780-01510-000 Residential ☒ Commercial ☐ Central Business District ☐
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). Refinish the Lower Level
7. Building Permit No. 20050782 8. Year Built 1921
9. Date of Commencement of making the improvement 5/22/20
10. Estimated market value of property before improvement $ 304,700
11. Cost of making the improvement (all labor, material and overhead) $ 120,000
12. Estimated market value of property after improvement $ 366,300

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 [signature] Date 4/12/21

Assessor's Determination

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

    Assessor's Signature [signature] Date 4-28-2021

Action of Governing Body

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

    Approval subject to the following conditions:

    Chairman of Governing Body Date

CITY OF Fargo

ASSESSMENT DEPARTMENT

38d

April 21, 2021

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 723 3 Ave N as submitted by Kay Schwartzwalter & Paul Gleye. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about $160 with the City of Fargo's share being $25.

Sincerely,

Mike Splonskowski
City Assessor

bsb
attachment

225 4th Street N. • Fargo, ND 58102 • Phone (701) 241-1340 • Fax (701) 241-1339

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 Kay Schwartzwalter + Paul Coleye Phone No. 701-799-5118
2. Address of Property 723 3rd Ave N.

   City FARGO State ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.

   Lot C Block 10, Auditors subd of lots 10, 11, + 12
4. Parcel Number 01-2382-01430-000 Residential ☒ Commercial ☐ Central Business District ☐
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 Attic
7. Building Permit No. 190001 8. Year Built 1907
9. Date of Commencement of making the improvement 1/2/19
10. Estimated market value of property before improvement $ 167,200
11. Cost of making the improvement (all labor, material and overhead) $ 7,000.00
12. Estimated market value of property after improvement $ 179,200

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 Kay M Schwartzwalter Date 4/20/21

Assessor's Determination

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

    Assessor's Signature [signature] Date 4-28-2021

Action of Governing Body

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

    Approval subject to the following conditions:

    Chairman of Governing Body Date