

FARGO CITY COMMISSION AGENDA
Monday, May 21, 2018 - 5:00 p.m.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, May 7, 2018).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Receive and file an Ordinance Amending Sections 25-3001, 25-3002 and 25-3006, and Repealing Sections 25-3003 and 25-3004 of Article 25-30 of Chapter 25 of the Fargo Municipal Code Relating to Alarm Systems.
- 2. 2nd reading and final adoption of an Ordinance Amending Sections 11-0805, 11-0806, 11-0807, 11-0819 and 11-0821 of Article 11-08 of Chapter 11 of the Fargo Municipal Code Relating to Environmental Nuisances; 1st reading, 5/7/18.
- 3. Draft Ordinance Amending Section 25-1506 of Article 2-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages and direct the City Attorney to finalize the terms of the Ordinance and to waive the 45-day application period stated in the Draft Ordinance for the Downtown Street Fair, provided the Ordinance is adopted by such time.
- 4. Master Attachment Agreement for Attachment of Wireless Communications Facilities to Certain City Owned Structures in the Public Right of Way with Mobilitie, LLC.
- 5. Receive and file General Fund – Budget to Actual through April 30, 2018 (unaudited).
- 6. Site Authorizations for Games of Chance:
 - a. Plains Art Museum at Wild Bill's Sports Saloon, Big Top Bingo, King Pin Casino (The Bowler) and Fargo Billiards and Gastropub.
 - b. VFW Post 762 at the VFW Club.
 - c. Northern Prairie Performing Arts at D'Woods at Ramada Inn, Windbreak Lounge and Space Aliens.
 - d. Team Makers Club, Inc. at Lucky's 13 Pub, Holiday Inn, Frank's Lounge, Fargodome. and Sanford Health Athletic Complex, Scheels Center.
- 7. Applications for Games of Chance:
 - a. Chandler Hazel Ponce Benefit for a raffle on 6/10/18; Public Spirited Resolution.
 - b. United Way of Cass Clay for a raffle on 6/12/18.
 - c. Kringen Club Inc. for bingo on 7/1/18 to 6/30/19.

8. Agreement with R.L. Engebretson Architects Fargo LLC for predesign work at the FARGODOME and an adjustment from the FARGODOME surplus fund to the FARGODOME capital budget, in the amount of \$300,000.00, for funding of the work.
9. Notice of Grant Award with the ND Department of Health for the Ryan White Part B/Case Management (CFDA #93.917).
10. Contract Agreement with Little Tykes Daycare and Learning Center to provide a breastfeeding friendly environment for their employees.
11. Amendment to the Notice of Grant Award with the ND Department of Health for Title X Family Planning Program (CFDA #93.217).
12. Resolution Approving Schedule of Administrative Costs for Enforcement or Abatement of Tall Grass and Noxious Weed Nuisances – Fargo Municipal Code Article 11-08.
13. Purchase of Service Agreement with Central Cass School District for nursing services for the 2018-2019 school year.
14. Bid award for sound masking system.
15. Library budget adjustment, in the amount of \$95,048.00, for two additional Library Associate II's and additional security coverage.
16. Certificate of Completion, Tax Increment Note and the Private Placement Memorandum with EG & Co. Junction 9, LLC (Junction 9 Apartments).
17. Certificate of Completion, Tax Increment Note and Private Placement Memorandum with 710 Lofts, LLC (710 Lofts Apartments).
18. Authorize the Strategic Planning Director to submit a survey and application to designate the City of Fargo as a Main Street Community.
19. Direct City Attorney to draft language for the Municipal Code and/or policy to allow mobile vending units to operate in the right-of-way.
20. Agreement Regarding Extraterritorial Zoning Jurisdiction and Annexation City of West Fargo/City of Fargo.
21. Wildlife Management Program Report for 2017/2018 and Resolution authorizing program for 2018-2019.
22. Change Orders for the City Hall Project:
 - a. No. 14 for an increase of \$483 for mechanical construction contract.
 - b. No. 12 for an increase of \$19,377.00 for the electrical construction contract.
 - c. No. 13 for an increase of \$1,986.00 for the electrical construction contract.
23. Option for a private property owner to charge the cost of removing a diseased elm tree over a five-year period with interest to accrue on the unpaid balance at a rate of 5% per annum.
24. Memorandum of Understanding Supporting a Performance Based Planning Process with the NDDOT and the Fargo-Moorhead Metropolitan Council of Governments.
25. Change Orders for Project No. WA1301:

- a. No. 17 for an increase of \$269,252.00 for the general construction contract.
 - b. No. 15 for an increase of \$43,354.02 for the mechanical construction contract.
 - c. No. 9 for an increase of \$32,200.00 for the electrical construction contract.
26. Engineering Change Order for an increase of \$26,700.75 with Wenck Associates for Project No. SW16-03.
 27. Agreement of Terms and Conditions for Household Hazardous Waste Services with Clean Harbors Environmental Services, Inc. and Agreement of Terms and Conditions for Recycling Services with Green Lights Recycling, Inc.
 28. Request for an additional 60-day leave of absence for Gerald Ripplinger.
 29. Bid award for Cell 19 & Scales Area Waste Excavation (Project No. SW18-01).
 30. Bid advertisement for Valve Replacement at Water Tower Nos. 4 and 9.
 31. Purchase Agreement with Sharon B. Rostad for property located at 4003 Copperfield Court South (Project No. MS-15-K0).
 32. Contract Amendment No. 6 in the amount of \$78,500.00 for Project No. FM-14-0.
 33. Bid advertisement for Project No. FM-15-F2.
 34. Bills.
 35. Agreement for Special Improvements with Grayland Holding Company LLC for municipal improvements in Grayland First Addition (Improvement District No. BN-18-B1).
 36. Change Order No. 3 for a time extension to 6/8/18 for Improvement District No. BR-17-J1.
 37. Bid awards for Improvement District Nos. BN-18-B1, BR-18-G2, NR-18-A1, PN-18-A1 and TN-18-A1.
 38. Create Improvement District No. DN-18-A.
 39. Contracts and bonds for Improvement District Nos. BN-18-A1, BR-18-G1 and PR-18-C1.

REGULAR AGENDA:

40. Fargo Youth Initiative (FYI) 2018 report.
41. Update on the Plastic Bag Task Force.
42. Public Hearings - 5:15 pm:
 - a. Transfer of a Class "FA" Alcoholic Beverage License from Anderson Franchise Investment d/b/a Perla's Fresh Mexican to North Star Hospitality LLC d/b/a 47 Degrees North at 4281 45th Street South; continued from the 4/23/18 Regular Meeting.
 - b. Application for a Class "F" Alcoholic Beverage License for Drunken Noodle d/b/a Wasabi/Poke Bowl at 560 2nd Avenue North.

- c. Transfer of a Class "FA" Alcoholic Beverage License from Mom's Kitchen Inc. d/b/a Tailgator's/Mom's Kitchen to 1631 Hospitality LLC d/b/a Black Sheep Grill & Tavern at 635 2nd Avenue North.
 - d. Special Assessment list for Water Main Replacement, Force Main Construction, Street Reconstruction Improvement District No. BR-16-B; continued from 10/9/17 and 10/23/17 Regular Meetings.
- 43. 1st reading of Ordinance Amending Section 25-1509.2, of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.
 - 44. Commissioner Gehrig would like to discuss the hiring of a consultant to look at the City's liquor license structure and capping policy.
 - 45. Recommendations for appointments to the Native American Commission.
 - 46. Consider proposed Second Amendment to the MOU between the City of Oxbow and the Metro Flood Diversion Board of Authority, Cass County Joint Water Resource District, Cass County and the City of Fargo.
 - 47. Recommendation for Interim Infrastructure Funding Policy.

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

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

40

MEMORANDUM

TO: City Commission

FROM: Nicole Crutchfield, Planning Director *NC*
Kara Gloe, Community Development Assistant Planner

DATE: May 17, 2018

SUBJECT: Fargo Youth Initiative 2018 Report

In 2012, the Fargo City Commission voted to create a youth advisory commission called the Fargo Youth Initiative (FYI). The mission of FYI is to unite and empower the voice of youth Fargo through direct action and teamwork.

Since its inception, a great group of smart, caring, and committed young leaders, representing grades 9-12 from public and private schools in Fargo have met regularly to discuss opportunities and issues facing young people in our community. A number of FYI members are looking forward to sharing their ideas and progress with you in a PowerPoint presentation at the May 21st City Commission meeting.

Thank you for your work to include the young voices in the public process in Fargo.

41

Dear Fargo City Commissioners,

My name is Laura Wessberg. I work for the Clay County Solid Waste Department. Last summer I took over as coordinator for the Fargo-Moorhead Plastic Bag Task Force. The task force was created after an intern, Hanna, had investigated the issues surrounding plastic bag usage. During my presentation to the City Commission I will explore some of the local and global issues surrounding plastic bag use. Another intern, Amy, reached out to both members of the community as well as local officials to become participants in the newly created Fargo-Moorhead Plastic Bag Task Force.

When I became involved we started out by discussing our goals and how we could achieve them in a way that was beneficial to all stake-holders. We have included the North Dakota Grocers Association, people from the solid waste industry, and community members so that we can better understand all sides of this issue. This task force centers on having a discussion about plastic bags. Our goals are to increase the amount of plastic bags being recycled while reducing the overall amount of plastic bags being used in our community. One of the ways we strive toward achieving our goals is by increasing public awareness about recycling options. We have increased awareness by providing correct information to the Moorhead City website, the Fargo City website, and the Clay County website ensuring that they have accurate information about what plastic bags and films can be recycled as well as where residents can recycle these items. Additionally, we have reached out to schools to involve them in plastic bag recycling measures.

As participants in the Fargo-Moorhead Plastic Bag Task Force members of the Fargo-Moorhead community from both sides of the river have prioritized the issue of plastic bag pollution. I would like to present the progress that the Plastic Bag Task Force has made as well as our future endeavors towards both reducing plastic bag use and increasing recycling. One of our upcoming events will be another "Day Without Plastic Bags". Originally, Minnkota, the City of Fargo, and the City of Moorhead partnered up on November 15th this last year to encourage residence to change their habits by taking plastic bags for recycling and giving away reusable bags instead. On June 5th we hope to have a similar event in which we would collect plastic bags for recycling and give away either reusable bags and/or reminders for residences to remember their reusable bags. I would like to have the support of the Fargo City Commission for this event.

Sincerely,

Laura Wessberg

Laura Wessberg
Coordinator of the Fargo-Moorhead Plastic Bag Task Force

426

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Company name (LLC, Inc): North Star Hospitality LLC

Doing business as: 47° North

Business address (location): 4281 S 45th St. Fargo ND

Mailing address: 2075 Rose Creek Blvd. S. Fargo, ND 58104

Business e-mail address: Fargoatm@yahoo.com

Phone number: (701) 306 1471 Other number: ()

The following section to be completed by City Staff:

Date Received by Auditor's Office: 3/26/18

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

Reviewed – Police Department by: Date:

Comments (or see attached report):

 Approval Recommendation

 Denial Recommendation

Chief of Police

Date

Reviewed – Liquor Control Committee on (date):

 Approval Recommendation

 Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date):

 Approval

 Denial

March 26, 2018

City of Fargo
Attn: City Commission
200 N 3 St
Fargo, ND 58102

RE: Liquor License

To whom it may concern:

As noted in prior correspondence, I closed my restaurant located at 2653 45th St. S, in Fargo, ND, and would like to sell the liquor license that is currently owned by Anderson Franchise Investments to North Star Hospitality, LLC, d/b/a 47 Degrees North. Please let me know what steps I would need to take in order to sell this license to North Star Hospitality, LLC, d/b/a 47 Degrees North. If you have any questions, please feel free to contact me at 612-481-1320.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Charles Anderson', with a long horizontal line extending to the right.

Charles Anderson
Anderson Franchise Investments

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

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


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


The following section to be completed by the applicant:

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

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

Applicant printed name: Chad Klimek Signature: 

Applicant printed name: Barrett Prody Signature: 

Applicant printed name: Rick Arechigo Signature: 

Applicant Information: (2 pages)

Name: BARRETT C Prody
 (first) (middle) (last) (maiden name)

Address: 1091 20th Ave E West Fargo ND 58078
 (address) (city) (state & zip)

How long have you lived at this address? 5 yrs

Provide your address history for the past 5 years:

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: bprody@equalityassure.net

Home phone number: (____) _____ Other number: (218) 329-2686

Date of Birth: 3/16/73 Place of Birth: Edgewood, ND

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

DL#: PRO-73-0376 State of Issue: ND Dates: 3/16/17-3/16/23

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

Has your driver's license ever been suspended or revoked? X Yes _____ No If "yes," where and when ND, 2009 or 10, MN 2006

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

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

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

be listed) X Yes _____ No

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

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

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

2006 - MN - DUI
 2009 or 10 - ND - Reckless driving
 2009 - ND - obstructing legal process
 2004 - ND - assault

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

All current: MN - RLWRAC, Inc, dba O'Leary's Irish Pub - liquor
 MN - RLWRAC, Inc dba O'Leary's Willsey Green Golf course - liquor
 MN - " dba O'Leary's Meadows Golf Course - liquor

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

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

del MN - RPWPHD -
 dba O'Leary's Liquors

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

From: 2013 to current Business name: O'Leary's Irish Pub

Address: 808 30th Ave S, Mnd Position/Title: Owner

From: 2005 to 2013 Business name: Sunbrellas Tanning

Address: Fargo & GF Position/Title: owner

From: 2012 to 2015 Business name: JT Cigaro

Address: Fargo Position/Title: owner

2014-present O'Leary's Liquors owner

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

☒ Yes ☐ No If "yes", list each business below: see top of page
 4 total

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

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

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

☒ Yes ☐ No If "yes", describe below: see above

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

Applicant Information: (2 pages)

Name: Rick R ARECHIGO
 (first) (middle) (last) (maiden name)

Address: 4546 44th St. S Fargo ND 58104
 (address) (city) (state & zip)

How long have you lived at this address? 11 years

Provide your address history for the past 5 years:

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: rick. arechigo @ gmail.com

Home phone number: (701) 430-9999 Other number: () _____

Date of Birth: 1-16-61 Place of Birth: Moorhead MN

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

DL#: ARE-61-5338 State of Issue: ND Dates: 11/25/2012

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

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

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

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

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

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

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

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

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

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

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

From: 2005 to present Business name: Instyle ATM
Address: 4546 44th St S Corp Position/Title: President

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

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

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

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

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

Applicant Information: (2 pages)

Name: Chad Wesley Klimek
(first) (middle) (last) (maiden name)

Address: 2075 Rose Creek Blvd. S. Fargo ND 58104
(address) (city) (state & zip)

How long have you lived at this address? 5 years

Provide your address history for the past 5 years:

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: Fargoatm@yahoo.com

Home phone number: (701) 306 1471 Other number: (____) _____

Date of Birth: 1-23-71 Place of Birth: Fargo, ND

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

DL#: KLI-71-5137 State of Issue: ND Dates: 1992-present

DL#: _____ State of Issue: Minnesota Dates: 1988-92

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

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

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

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

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

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

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

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

Nexus - Federal ID

Liquor license - Windbreak Liquor License Shotgun Sallys in Grand Forks

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

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

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

From: 2006 to present Business name: Fargo Atm Co.

Address: 2075 Rose Creek Blvd.S. Position/Title: owner

From: 2011 to present Business name: Windbreak

Address: 3150 34th St.S. Position/Title: owner

From: 1-2016 to present Business name: Shot Gun Sallys

Address: 2015 library Circle Position/Title: owner

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

X Yes No If "yes", list each business below:

Windbreak - Fargo
Shotgun Sallys Grand Forks

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

? X Yes No If "yes", indicate where, when, and for whom below:

Windbreak
Shotgun Sallys

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

X Yes No If "yes", describe below: Managed both bars before I owned them

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

Operator/Manager Information

Are you going to operate/manage this business personally?

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

Name:

(first)

(middle)

(last)

(maiden name)

Address:

(address)

(city)

(state & zip)

Home phone number: (____) _____ Other number (____) _____

Date of Birth: _____ Place of Birth: _____

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

Operational and Financial Issues

Briefly describe your business concept, including your analysis of how this model fits into the proposed location (i.e., describe the suitability of the "fit" into the existing neighborhood or business area).

(Use additional pages if necessary)

Neighborhood Bar and Grill

We will be featuring Duane's Pizza along with our full menu. Burgers, Nachos, Appetizers etc...

Describe in detail how you intend to address/prevent each of the following concerns at your Business:

(Use additional pages if necessary)

Over-serving, intoxicated or disorderly patrons:

- All employees will attend server ~~training~~ training classes
Monthly staff meetings

Safety and security issues, including crowd control:

Video Surveillance

Minors on the premises, including consumption by minors:

Everyone that doesn't look at least 50 will be carded

Noise concerns, especially from nearby residences of other businesses:

Noise will not be a problem
we will be using Acoustic insulation.

Do you plan to feature live entertainment? X Yes _____ No If "yes", describe what you envision at the time, including how often such entertainment will take place. The cost for Live Entertainment is \$350 annually.

Summer time outdoor events

1x per month

426

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

acct # 16749

Company name (LLC, Inc): ~~Thai Orchid LLC~~ Drunken Noodle LLC

Doing business as: Wasabi / Poke Bowl

Business address (location): 560 2nd ave. N. Fargo, ND 58102

Mailing address: 560 2nd Ave. N. Fargo, ND 58102

Business e-mail address: keng.happybuddha@gmail.com

Phone number: (701) 232-3380 Other number: ()

The following section to be completed by City Staff:

Date Received by Auditor's Office: 4/14/18

Investigations Fee Paid (\$250) ☒ Yes ☐ No Date Paid: 4/14/18 Check # 4236

Reviewed – Police Department by: _____ Date: _____

Comments (or see attached report):

_____ Approval Recommendation

_____ Denial Recommendation

Chief of Police

Date

Reviewed – Liquor Control Committee on (date): _____

_____ Approval Recommendation

_____ Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date): _____

_____ Approval

_____ Denial

COPY
emailed Robyn 4/18

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

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

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

The following section to be completed by the applicant:

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

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

Applicant printed name: THANRONG DECHAWAT Signature: Thany Dechawat

Applicant printed name: _____ Signature: _____

Applicant printed name: _____ Signature: _____

Applicant Information: (2 pages)

Name: THAMPON DECHAWUTH
 (first) (middle) (last) (maiden name)

Address: 3165 17th St. S Unit C Fargo ND 58103
 (address) (city) (state & zip)

How long have you lived at this address? 4 years

Provide your address history for the past 5 years:

From 2014 to Present Address: 3165 17th St. S Unit C Fargo 58103

From 2010 to 2014 Address: 2914 S. Day Dr S Fargo ND 58103

E-mail address: Keng.happybuddha@gmail.com

Home phone number: (701) 219 1423 Other number: (____) _____

Date of Birth: 12/12/1977 Place of Birth: THAILAND

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

DL#: DEL-73-8871 State of Issue: North Dakota Dates: 12/01/2017

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

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

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

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

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

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

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

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

Drunken Noodle, Tara Bemidji MN, Tara Thai & Sushi
Pounds GA

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

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

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

From: 2004 to Present Business name: Drunken Noodle

Address: 623 NP Ave Position/Title: owner

From: to Business name:

Address: Position/Title:

From: to Business name:

Address: Position/Title:

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

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

Drunken Noodle, Tara Bemidji, Tara Thai & Sushi, Pounds

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

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

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

☒ Yes ☐ No If "yes", describe below:

On-Sell Beer and wine with food sales more than 50%.

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

Operator/Manager Information

Are you going to operate/manage this business personally?

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

Name: Kangarat - Anderson Toibaontam
 (first) (middle) (last) (maiden name)

Address: 2114 31st Ave. S. Fargo ND 58103
 (address) (city) (state & zip)

Home phone number: (____) ____ - ____ Other number (701) 317-2040

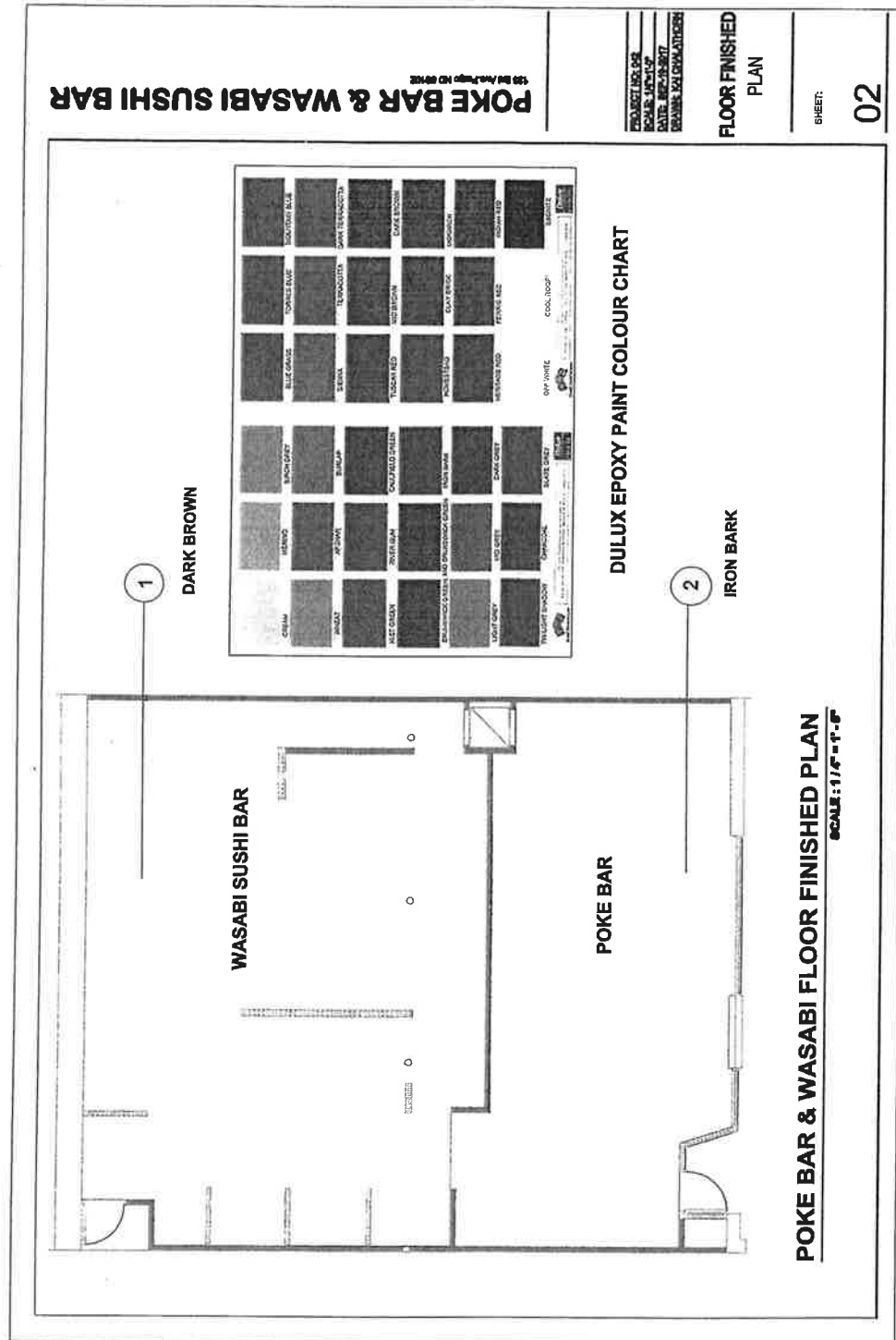
Date of Birth: 9-30-1984 Place of Birth: Bangkok, Thailand.

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

Business Site Plan

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

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



Operational and Financial Issues

Briefly describe your business concept, including your analysis of how this model fits into the proposed location (i.e., describe the suitability of the "fit" into the existing neighborhood or business area).

(Use additional pages if necessary)

We are a full service Restaurant with alcohol available.

Describe in detail how you intend to address/prevent each of the following concerns at your Business:

(Use additional pages if necessary)

Over-serving, intoxicated or disorderly patrons:

All of our serving staff will have been to Cass & Clay county "Server Train" class. We have a strict over-serving policy. Disorderly patrons will be asked to leave by a manager, if they refuse, or become threatening the authorities will be contacted.

Safety and security issues, including crowd control:

For the amount of space that we have a "crowd" shouldn't be a problem.

Minors on the premises, including consumption by minors:

Minors consumption will not be tolerated. All staff will be trained to read ID's and to check all patrons requesting Alcoholic beverages.

Noise concerns, especially from nearby residences of other businesses:

We will only be using background music so noise will not be a problem.

Do you plan to feature live entertainment? _____ Yes X No If "yes", describe what you envision at the time, including how often such entertainment will take place. The cost for Live Entertainment is \$350 annually.

What is your total **business** indebtedness for the entity, excluding lease costs? _____

Does any one creditor represent more than 10% of that sum? _____ Yes ☒ No

If "yes", list each creditor below. (Total must equal 100%)

<u>Name</u>	<u>Address</u>	<u>Phone #</u>	<u>% Owed</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Have you ever filed a petition of bankruptcy? _____ Yes ☒ No

If "yes", when and what were the circumstances?

Please list at least three business references:

<u>Name</u>	<u>Address</u>	<u>Phone #</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Is this application for a motel or hotel with 100 or more guest rooms? _____ Yes ☒ No

Is this application for a lodge or club? _____ Yes ☒ No

If "yes", number of members in good standing _____

Date of organization incorporation _____

If applicant is a **CORPORATION OR LLC**, complete this portion:

STATE OF NORTH DAKOTA)

)ss.

County of Cass)

Thamrong Dechawith and Kanyarat Anderson do hereby swear that they are the President and Secretary, respectively of Corporation which is the Applicant named above; that they have read the application and know the contents thereof; that the information contained and offered therein is true and correct to the best their knowledge.

(Corporate Seal)

Drunken Nordic LLC
Name of Corporation
Thamrong Dechawith
President's Signature
Kanyarat Anderson
Secretary's Signature

Subscribed and Sworn before me this 9th day of April, 2018



Margaret Livingston
Notary Public

(SEAL)

426

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Company name (LLC, Inc): 1631 Hospitality, LLC

Doing business as: Black Sheep Grill & Tavern (may change)

Business address (location): 635 2nd Ave N Fargo, ND 58102

Mailing address: 635 2nd Ave N Fargo, ND 58102

Business e-mail address: chef.itterman@gmail.com

Phone number: (605) 216-4917 Other number: () _____

The following section to be completed by City Staff:

Date Received by Auditor's Office: _____

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

Reviewed – Police Department by: _____ Date: _____

Comments (or see attached report): _____

_____ Approval Recommendation

_____ Denial Recommendation

Chief of Police

Date

Reviewed – Liquor Control Committee on (date): _____

_____ Approval Recommendation

_____ Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date): _____

_____ Approval

_____ Denial

Intent to transfer (sell) AB-11 Liquor License

Mom's Kitchen, Inc. has intent to transfer (sell) the FA-18 liquor license to 1631 hospitality (Blake Itterman, president) prior to May 31st, 2018.

Dated April 24th, 2018

A handwritten signature in black ink, appearing to read 'Richard Nymark', written in a cursive style.

Richard Nymark (President)

Mom's Kitchen, Inc.

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

- () Class H Authorizes the licensee to sell beer "on-sale" only, served at table or booth, with no bar allowed and requires 50% food sales.
- () Class I Authorizes the licensee to sell beer, wine, and sparkling wine "on-sale" only. A physical bar is allowed and requires 65% food sales.
- () Class I Entertainment Authorizes the Licensee to sell "on-sale" only of beer, wine and sparkling wine in a recreational establishment or place of amusement. A physical bar is allowed and 65 % of non-alcohol sales required.
- () Class J Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.
- () Class L Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.
- () Class M Authorizes the licensee to operate a Microbrew Pub or Domestic Winery and sell "on-sale" and "off-sale" offered in conjunction with another license. Allows the sale of Growlers.
- () Class N Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2500.
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- () Class P Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale". Allows limited beer sales.
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- () Class W Authorizes the licensee to sell wine and sparkling wine "on-sale" only. A physical bar is allowed and no food sales required.
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The following section to be completed by the applicant:

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

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

Applicant printed name: Brett Ittaman Signature: [Signature]

Applicant printed name: Blake Ittaman Signature: [Signature]

Applicant printed name: Bryan Ittaman Signature: [Signature]

Page 38
Applicant Information: (2 pages)

Name: Blake Steven Itterman
(first) (middle) (last) (maiden name)

Address: 1254 7th Street North Fargo ND 58102
(address) (city) (state & zip)

How long have you lived at this address? 17 months

Provide your address history for the past 5 years:

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: chef.itterman@gmail.com

Home phone number: (605) 216-4917 Other number: (____) _____

Date of Birth: 10-23-1984 Place of Birth: Sioux City IA

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

DL#: ITT-84-1710 State of Issue: ND Dates: 9-11-2017

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

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

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

Unsafe Backing in Aberdeen SD, in 1999 for 30 days when I was 15

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

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

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

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

Possession of Alcohol by a minor, in Aberdeen, 12-31-2004

Reckless driving, in Rapid City, SD, May 2016

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

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

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

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

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

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

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

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

I have

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

Provide your address history for the past five years

From 9-16 to current address 1254 7th street north Fargo North Dakota 58102

From 11-2014 to 9-2016 1218 east Oakland street rapid city SD 57701

From 9- 2012 to 11- 2014 627 flamingo dr. rapid city SD 57701

Employment History

Fargo Country Club

Address: 509 26th Ave South Fargo ND 58102

Title: Food and beverage director, clubhouse manager

Date 11-2016 to 1-2018

Herds and horns

title: Cook

Address 1414 12th Avenue north Fargo North Dakota 58102

Date : 10 – 2016 to 11-2016

Tally's silver spoon

Title: cook, sous chef, chef de cuisine

Date: 9- 2012 to 2 – 2014 and again from 7 – 16 to 9 -16

Murphy's pub and grill

Title: executive chef and general manager

Address: 510 9th street Rapid City SD 57701

Date: from 2 – 2014 to 7- 2016

Lucky's 13 – cook

Address: 305 N 27th St, Spearfish South Dakota, 57783

from 2011 to 2012

Roma's – cook

Address: 2048, 2281 E Colorado Blvd, Spearfish, SD 57783

Date: from 2009 to 2012

Operator/Manager Information

Are you going to operate/manage this business personally?

☒ Yes ☐ No If "no", who will operate/manage it?

Name:

Blake Steven Ittelman
(first) (middle) (last) (maiden name)

Address:

1254 7th Street North Fargo ND 58102
(address) (city) (state & zip)

Home phone number: (605) 216-4917 Other number (____) _____

Date of Birth: 10-23-1984 Place of Birth: Sioux City IA

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

Page 42
Applicant Information: (2 pages)

Name: Brett Thomas Itterman
(first) (middle) (last) (maiden name)

Address: 300 NP Ave N Unit 306 Fargo ND 58102
(address) (city) (state & zip)

How long have you lived at this address? 2 1/2 years

Provide your address history for the past 5 years:

From 2014 to 2015 Address: 2 West Delaware Place #1701 Chicago IL

From 2013 to 2014 Address: 1543 West Montana Street #1 Chicago IL

E-mail address: bitterman@pentexrg.com

Home phone number: (605) 228-8468 Other number: (605) 229-2005

Date of Birth: 7/30/1983 Place of Birth: Sioux City, Iowa

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

DL#: ITT-83-8628 State of Issue: ND Dates: 12/7/15 - Current

DL#: 1365-0788-3216 State of Issue: IL Dates: 7/7/13 - 12/15

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

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

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

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

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

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

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

See attached copies

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

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

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

From: 2015 to present Business name: Pentex Restaurant Group

Address: 325 1st St. S Fargo ND 58103 Position/Title: CEO

From: 2013 to 2015 Business name: MBA Metal Framing

Address: 2200 Tempel Dr. Libertyville, IL 60048 Position/Title: Vice President

From: 2011 to 2013 Business name: Northwestern University

Address: 633 Clark St. Evanston, IL 60208 Position/Title: Student

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

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

Huttor Mongolian Grill - Fargo, ND

Huttor Mongolian Grill - Grand Forks, ND

Huttor Mongolian Grill - Bismarck, ND

Huttor Mongolian Grill - Eau Claire, WI

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

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

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

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

restaurant franchisee owner

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

Name: Bryan M Itterman
(first) (middle) (last) (maiden name)

Address: 2630 Pheasant Run Blvd Aberdeen SD 57401
(address) (city) (state & zip)

How long have you lived at this address? 4 1/2 years

Provide your address history for the past 5 years:

From 1985 to 2013 Address: 1631 Carlton Court Aberdeen, SD 57401

From _____ to _____ Address: _____

E-mail address: itterman@pentexrg.com

Home phone number: (605) 224-3558 Other number: (____) _____

Date of Birth: 7/9/55 Place of Birth: _____

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

DL#: 00370582 State of Issue: SD Dates: 6/24/14-present

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

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

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

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

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

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

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

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

see attached copies

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

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

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

From: 1985 to 2017 Business name: Pentex Restaurant Group

Address: 142nd Ave SE Aberdeen SD 57401 Position/Title: CEO

From: ____ to ____ Business name: ____

Address: ____ Position/Title: ____

From: ____ to ____ Business name: ____

Address: ____ Position/Title: ____

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

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

Hu Hot Mangolian Grill - Fargo, ND

Hu Hot Mangolian Grill - Grand Forks, ND

Hu Hot Mangolian Grill - Bismarck, ND

Hu Hot Mangolian Grill - Eau Claire, WI

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

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

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

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

restaurant franchisee owner

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

(42d)

CITY COMMISSION ACTION ^{on 10/9/17}

Continued to 10/23/17

Continued to 5/21/18 on 10/23/17

NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
WATER MAIN REPLACEMENT, FORCE MAIN CONSTRUCTION, STREET RECONSTRUCTION
IMPROVEMENT DISTRICT NO. BR-16-B

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Water Main Replacement, Force Main Construction, Street Reconstruction, Improvement District No. BR-16-B, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, October 9, 2017.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(September 11, 2017)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (September 11), 2017

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
200 North 3rd Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.



SPECIAL ASSESSMENTS

200 3RD STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: 701-241-1326
FAX: 701-297-7793

To The Board of City Commissioners
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission

for the City of Fargo, North Dakota, do hereby certify that the

Special Assessment List for Water Main Replacement, Force Main Construction, Street

Reconstruction & Incidentals

Improvement District No. BR-16-B, delivered to you herewith

is a true and correct assessment list as confirmed by the

Special Assessment Commission on September 6, 2017

Date of City Commission Hearing is October 9, 2017

Dan Dunn, Chairperson

Steve Bladholm

Joe Burgum

There were protests or protestors as follows:

Ivan Sauvageau	2314 Broadway N.
Kevin Olson	2218 Broadway N
Emmett North	2414 Broadway N



SPECIAL ASSESSMENTS

200 3rd Street North

Fargo, ND 58102

Phone: (701) 241-1326

Fax: (701) 297-7793

E-mail: specials@fargoND.gov

**To The Board of City Commissioners
Fargo, North Dakota**

The undersigned, members of the Special Assessment Commission

for the City of Fargo, North Dakota, do hereby certify that the

Special Assessment List for Water Main Replacement, Force Main, Street Reconstruction

on Broadway from 19-25 Ave; on 25th Av from Broadway to 8th Street;

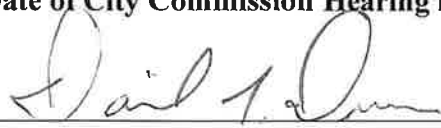
on 8th Street from 25-28 Av's

Improvement District No. BR-16-B, **delivered to you herewith**

is a true and correct assessment list as confirmed by the

Special Assessment Commission on May 2, 2018


Date of City Commission Hearing is ~~June 4, 2018~~ May 21 2018



Dan Dunn, Chairperson



Steve Bladholm



Joe Burgum

There were protests or protestors as follows:

STEVE AOVE (REPRESENTING)

MIKE JONES & MJ INVESTMENTS

728 28 AV N

PROTEST

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

43

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-1509.2, OF ARTICLE 25-
15 OF CHAPTER 25 OF THE FARGO MUNICIPAL CODE RELATING
TO ALCOHOLIC BEVERAGES

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

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

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

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

NOW, THEREFORE,

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

Section 1. Amendment.

Section 25-1509.2 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is hereby amended to read as follows:

25-1509.2. Restrictions on sale to obviously intoxicated person.—No licensee or partner, principal, agent or employee of any licensee shall sell, serve, or furnish alcoholic beverages to or allow possession and consumption of alcoholic beverages on the licensed premises by any person who is or has become intoxicated and/or incapacitated by the consumption of alcoholic beverages. A person may be considered to be obviously intoxicated when it can be plainly determined by appearance, conduct, and/or demeanor. The term “obviously intoxicated” shall mean that the person’s obvious intoxication be reasonably discernible or evident to a person of ordinary experience.” Such indicators of intoxication may include, but are not limited to a combination of any of the following types of conditions:

- A. Problems with balance, inability to maintain balance, i.e., stumbling, staggering gait, bumping into furniture while walking, falling against bar or off stool, resting head on bar;

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

- B. Ineffective muscular coordination, i.e., spilling and/or knocking over drinks, unable to pick up change and the like;
- C. Disorientation and mental confusion as to locations, date, names and the like;
- D. Strong smell of alcohol;
- E. Unusual or distorted speech, i.e., slurred, thick tongue, uncontrollable voice pitch, muttering, and the like;
- F. Bloodshot and/or glassy eyes, flushed face, and the like;
- G. Condition of clothes and hair, i.e., soiled clothing, urinated upon clothing and the like;
- H. Unusual behavior, i.e., vomiting, profanity, hiccups, fighting, loud, boisterous, obnoxious behavior, sleeping or unconscious.

Violation of this ordinance may result in sanctions as prescribed in Section 25-1512(H) and (I) hereinafter. Sanctions for a licensee selling, serving or furnishing alcoholic beverages shall require a sale and a showing that the police officer observed and determined the person to be intoxicated. ~~In addition, a corroborating witness or witnesses who can opine that the person was obviously intoxicated shall be required.~~ Sanctions for a licensee allowing the consumption of alcoholic beverages on the licensed premises shall require a showing that the police officer observed and determined the intoxicated person to be intoxicated on the licensed premises, as well as a showing that the intoxicated person was allowed to consume alcoholic beverages on the licensee's premises. ~~The police officer's observation and determination must be accompanied by information from a corroborating witness or witnesses who can opine that the person was obviously intoxicated when allowed to consume alcoholic beverages on the licensed premises.~~

If a licensee, partner, principal, agent or employee of any licensee shall contact law enforcement to report the presence of an obviously intoxicated patron or to obtain law enforcement assistance in removing an obviously intoxicated patron, a rebuttable presumption is created and sanctions shall not be imposed. This presumption may be overcome, however, by evidence that the licensee, partner, principal, agent or employee of any licensee did not contact law enforcement in good faith.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 2. Effective Date.

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

Timothy J. Mahoney, Mayor

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:



Dr. Timothy J. Mahoney, Mayor

Fargo City Hall
200 3rd Street North
Fargo, ND 58102


Phone 701.241.1310 | Fax: 701.476.4136

TMahoney@FargoND.gov

(45)

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: MAY 16, 2018

SUBJECT: APPOINTMENTS TO THE NATIVE AMERICAN COMMISSION

There are two vacancies that exist on the Native American Commission. One is from Maylynne Warne who has moved out of the area and thus resigned her position. Ms. Warne's term would have expired on June 30, 2018. The other vacancy was created by the resignation of Francis Oakgrove. His term would have expired on June 30, 2020.

I have attached Whitney Fear and Chalsey Snyder's web applications expressing interest in serving on the Native American Commission. I am recommending that Ms. Fear fill the vacancy created by Maylynne Warne for a three-year term ending June 30, 2021 and Ms. Snyder be appointed to fill the unexpired term of Francis Oakgrove for a term ending June 30, 2020.

Your favorable consideration of these recommendations will be greatly appreciated.

RECOMMENDED MOTION: To approve the appointment of Whitney Fear to the Native American Commission for a three-year term ending June 30, 2021 and Chalsey Snyder be appointed to the Native American Commission for a term ending June 30, 2020.

Attachments
mmapppts18nac

Kember Anderson

Subject: FW: New Form Submission: Getting involved in government
Attachments: image001.jpg

From: noreply@cityoffargo.com [mailto:noreply@cityoffargo.com]
Sent: Tuesday, December 05, 2017 12:51 AM
To: Commissions Applications <commapplications@FargoND.gov>
Subject: New Form Submission: Getting involved in government

Name:
[Chalsey Snyder]

Mailing Address:
[1008 1st St W]

City:
[West Fargo]

State:
[North Dakota]

Zip:
[58078]

Work Phone:
[BLANK]

Home Phone:
[701.421.5082]

E-mail:
[chalseylbsnyder@gmail.com]

Which boards or commissions would you like to be considered for?
[Native American Commission]

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

[I am enrolled member of the Three Affiliated Tribes with an amazing 7 year old indigenous child. I have been a member of the Indian Education Parent Committee for 3 years and have witnessed first hand the educational services our children and families are in need of. I am committed to change in Indian Country and believe that we all have a personal responsibility to make that change a reality. I am the author of the first anti-human trafficking law (Loren's Law) in Indian Country in US history, and continue to work everyday for effective and sustainable solutions to create change in Indian Country.]

How many hours per month could you volunteer as a panel member?
[5/10 hours monthly]

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

[Fargo/West Fargo Indian Education Parent Committee Member - Three Years Currently serving as Vice Chair
Authored, lobbied and helped pass the 1st anti-human trafficking law in Indian County - December 14th, 2014 -
MHA Nation Chief Clerk Of Court - Fort Berthold District Court -2013/14]

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

[Clerk of Court - 2007-2010 Boys & Girls Club of the Three Affiliated Tribes - Mentor Coordinator/Public Relations - 2010-15 Legal Assistant/Office Administrator - Overboe Law -2016/17 Grant Writer - Four Bears Segment -2016/17]

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

--
Chalsey Snyder
701.421.5082

Kember Anderson

From: noreply@cityoffargo.com
Sent: Wednesday, May 09, 2018 8:31 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government
Attachments: working resume.pdf

Name:

[Whitney Fear]

Mailing Address:

[202 Seter Circle]

City:

[Glyndon]

State:

[MN]

Zip:

[56547]

Work Phone:

[701-271-1486]

Home Phone:

[605-441-0693]

E-mail:

[wfear@famhealthcare.org]

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

[Native American Commission]

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

[I currently work as a nurse with the Homeless, and will be completing my education to be a Psych/Mental Health Nurse Practitioner in the near future. There is an increasing number of Indigenous people who are homeless in Fargo. I have also witnessed an increase in targeting of Indigenous women for human trafficking. I believe the commission has the tools and dedication to not only improve these conditions for our less fortunate brothers and sisters, but also create prevention activities that would deter the development of these problems.]

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

[5-10 hours]

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

[N/A]

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

[North Dakota Center for Nursing -Member of the Leadership Team since 2016 -Steering Committee for Culture of Health Initiative -Co-Chair for Mental Health/Substance Abuse/Poverty sub-group Community Health Association of the Dakotas (CHAD) Behavioral Health Work Group 2017-Present Mayor's Blue Ribbon Committee 2017-Present -Preventing Substance Abuse During Pregnancy group North Dakota Department of Human Services Professionals -Mental Health Professional Definition Workgroup Member February 2016-2017 South East Human Trafficking Community Coalition Member 2016-Present Fargo-Moorhead Community Shelter Health Cabinet Member 2014-Present ND Center for Nursing Legislative Tracking Team 2016-Present Re-Think Mental Health Member 2014-Present -Prevention/Early Intervention Subcommittee 2014-Present]

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



May 21, 2018

To: Board of City Commissioners
Fr: Michael Redlinger, Assistant City Administrator
Re: Second Amendment to Oxbow Memorandum of Understanding – City of Oxbow, Metro Flood Diversion Board of Authority, Cass County Joint Water Resource District (CCJWRD), Cass County, & City of Fargo

Recommendation: The Board of City Commissioners is asked to consider and approve a Second Amendment to the Oxbow Memorandum of Understanding between the City of Oxbow and the North Dakota member entities of the Metro Flood Diversion Board of Authority.

Background/Key Issues: The Diversion Authority and City of Oxbow entered into a Memorandum of Understanding (the "Oxbow MOU") on October 24, 2013 together with the three North Dakota Member entities of the Authority (CCJWRD, Cass County, and the City of Fargo). The Oxbow MOU was amended on November 30, 2015 (the "First Amendment"), and the parties desire to further amend the MOU at this time to achieve the following desired outcomes:

- To modify the sales procedure for the remaining residential lots in Oxbow, resulting in a more direct management/oversight role by the City of Oxbow and the Oxbow Golf & Country Club;
- To limit the Diversion Authority's exposure to future Oxbow golf course project change orders; and
- To expressly limit the Diversion Authority's financial obligation for the Oxbow City Park relocation.

The Diversion Authority Finance Committee unanimously recommended approval of the "Second Amendment" on April 25, 2018 and the Flood Diversion Board of Authority approved the same on April 26, 2018. The City Commission is asked to concur with the Diversion Authority's April 26th approval. The Cass County Commission will consider this request on May 21, 2018 as well.

A companion "Assignment Agreement" between CCJWRD and the City of Oxbow, which transfers the legal obligations of CCJWRD to Oxbow, will be approved by those entities. Fargo and Cass County are not parties to this agreement.

Financial Considerations: The approval of the Oxbow MOU Second Amendment will redefine the responsibilities of the parties as it relates to 33 remaining residential lots in Oxbow. The City of Oxbow (or the Oxbow Job Development Authority) will receive the first \$1,000,000 in sales for these lots in exchange for Oxbow assuming maintenance, marketing, and sales responsibilities. After this \$1,000,000 is achieved, the Diversion Authority and Oxbow will share in future revenues (65% - Diversion Authority and 35% - Oxbow) and resume sharing maintenance costs in this same proportion until all remaining lots are sold.

Cass County and City of Fargo staff have validated the financial assumptions of the Oxbow MOU Second Amendment. Based upon the proposed terms, the Diversion Authority and the North Dakota entities will achieve a cost savings of approximately \$62,000 by transferring their responsibilities and interests to the City of Oxbow.

In addition, the Diversion Authority's obligation to relocate the Oxbow City Park, and to pay for future golf course construction change orders, will be expressly limited. The Second Amendment will provide expenditure certainty and predictability for the Diversion Authority, CCJWRD, Cass County, and the City of Fargo.

Attachment: Second Amendment to Oxbow Memorandum of Understanding (approved by Flood Diversion Board of Authority – April 26, 2018)

**SECOND AMENDMENT TO
MEMORANDUM OF UNDERSTANDING**

**CITY OF OXBOW, NORTH DAKOTA AND METRO FLOOD
DIVERSION BOARD OF AUTHORITY**

This Second Amendment ["Second Amendment"] to the Memorandum of Understanding is entered into as of the Effective Date, below, by and between the **METRO FLOOD DIVERSION BOARD OF AUTHORITY** [the "Diversion Authority"], and the **CITY OF OXBOW, a North Dakota municipal corporation** [the "City" or the "City of Oxbow"].

RECITALS:

WHEREAS, the Diversion Authority and the City of Oxbow entered into a Memorandum of Understanding [the "Oxbow MOU"] dated effective October 24, 2013, with the three North Dakota member-entities to the Diversion Authority also approving the Oxbow MOU; and,

WHEREAS, the parties to the Oxbow MOU entered into an amendment of the Oxbow MOU, dated effective the 30th day of November, 2015 [the "First Amendment to Oxbow MOU"]; and,

WHEREAS, as was contemplated by the Oxbow MOU, the Cass County Joint Water Resource District entered into an agreement with Oxbow Golf and Country Club ("Oxbow CC") effective January 8, 2015, that established the terms by which Oxbow CC's clubhouse would be relocated and replaced and the golf course reconfigured and much of the agreed-upon obligations under the agreement has been performed, said agreement to be referred to as the "Oxbow CC Master Agreement"; and,

WHEREAS, since the effective date of the Oxbow MOU, approximately 98 new lots have been platted and infrastructure has been installed to service said lots; and,

WHEREAS, approximately 65 of the newly established lots have been sold—many sold as replacement lots—with 33 lots, more or less, remaining unsold; and,

WHEREAS, as a result of the Governors' Task Force meetings starting in late 2017, some design changes are being contemplated to the Metro Flood Diversion Project that may cause a change in the staging area which change may cause residents within the staging area to desire to relocate to a home within the OHB levee; and,

WHEREAS, the City of Oxbow has proposed, and Metro Flood Diversion Board of Authority is willing to agree to, a second amendment of the Oxbow MOU; and,

WHEREAS, the City of Oxbow has also proposed that the Water Resource District, would assign the obligations and rights of the Water Resource District as provided in the Oxbow CC Master Agreement to the City of Oxbow under certain terms and conditions, which assignment would occur simultaneously with, and would be contingent upon, the approval and execution of this Second Amendment; and,

WHEREAS, the parties are agreeable thereto;

NOW, THEREFORE, IT IS HEREBY AGREED:

Section I. The Oxbow MOU, as amended by the First Amendment to Oxbow MOU, is hereby further amended as follows.

Section II. Contingency--City of Oxbow to Assume Obligations of Oxbow CC Agreement. This Second Amendment shall be contingent upon the approval and execution of an Assignment of Master Agreement, said contingency to be for the benefit of both the City of Oxbow and the Diversion Authority and its members that are a party hereto.

Section III. Allocation of Sales Proceeds of Remaining Oxbow Lots. As to the sale of the remaining 33 unsold lots, a list of which is attached as Exhibit "A", [hereinafter referred to as the "Post 2017 Unsold Lots"], Paragraph 2.3 is hereby amended to add subparagraphs 2.3.9 and 2.3.10, as follows:

2.3 Proceeds from the sale of the Replacement Lots, shall be allocated and paid-out as follows:

* * *

2.3.9 Sale of the Post 2017 Unsold Lots. The first One Million and no/100s Dollars (\$1,000,000.00) of net proceeds from the sale of one or more of the Post 2017 Unsold Lots shall be retained by the City of Oxbow, or by the Oxbow Job Development Authority as the case may be, and thereafter net proceeds from the Post 2017 Unsold Lots shall be split between the City of Oxbow or its Job Development Authority and the Diversion Authority with sixty-five percent (65%) to go to the Diversion Authority and thirty-five percent (35%) to go to the City of Oxbow or its Job Development Authority. Net proceeds shall mean the agreed upon sales price for the parcel less real estate commissions paid by the seller and less reasonable and appropriate closing costs. The City of Oxbow represents that it is authorized to bind, and hereby does bind, its Job Development Authority to the terms hereof. With respect to the sale of the \$1,000,000 of Post 2017 Unsold Lots, the City of Oxbow represents and agrees that said sales must be market-value sales. In that all said unsold lots have been appraised by a qualified appraiser, to the extent that any sale is to occur at less than 85% of the appraised value, the City of Oxbow will notify and obtain consent in advance from the Diversion Authority Executive Director before entering into a binding commitment to such sale.

2.3.10 Lots for Staging Area Residents. In order to accommodate the potential relocation of existing residential properties located within the upstream staging area of the Project, the City of Oxbow and the Diversion Authority will negotiate in good faith to identify a suitable number of the remaining Post 2017 Unsold Lots to be reserved for sale to upstream staging area residents as a relocation option, said number not to exceed ten (10). The parties agree to further discuss this requirement upon request of either party. Further, it is understood and agreed that should such reserved lots remain unsold as of December 31, 2020, any such remaining lots may be sold to the general public thereafter. The City of Oxbow will provide, at least semi-annually and more frequently upon reasonable request, a report to the Diversion Authority as to sales of the Post 2017 Unsold Lots, said report to identify the lot or lots sold, the proceeds from the sale, name or names of the purchaser and whether the purchaser is someone relocating from within the upstream staging area.

Section IV. Maintenance of Unsold Lots. The City of Oxbow shall assume responsibility for the maintenance of the remaining unsold lots and shall be assume responsibility for the payment of all costs associated with such maintenance; however, at such time as the above-stated

\$1,000,000 of Post 2017 Unsold Lots has been achieved and the division of sales proceeds shifts to the 65%/35% split, then at that time the costs of such maintenance will also be shared in accordance with the same ratio.

Section V. Oxbow City Park. With respect to the obligation of the Diversion Authority to fund the replacement of the Oxbow city park, as contemplated in Section 2.5 of the Oxbow MOU, the parties agree that the Diversion Authority's obligation to provide such funding shall not exceed the sum of \$200,000 and the City of Oxbow shall be responsible for any costs in excess thereof.

Section VI. Interpretation of Conflicting Provisions. To the extent that the terms of this Second Amendment conflict with the original Oxbow MOU, the terms of this Second Amendment shall govern. In all other respects, the terms of the original Oxbow MOU, as amended by the First Amendment, shall remain in full force and effect.

Section VII. Effective Date. This Second Amendment to the Oxbow MOU will be deemed effective the date of the last signature of all the parties hereto, provided that to the extent any of the parties have taken action pursuant to this agreement prior to said effective date, the same shall be deemed to have been authorized by this memorandum of understanding.

[Remainder of this page intentionally left blank.]

**METRO FLOOD DIVERSION BOARD
OF AUTHORITY**

Dated: _____ By: _____
_____, its Chair

CITY OF OXBOW, a North Dakota
municipal corporation

Dated: _____

By: _____
James Nyhof, its Mayor

ATTEST:

City Auditor

CITY OF FARGO, a North Dakota
municipal corporation

DATED: _____

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

ATTEST:

Steven Sprague, City Auditor

COUNTY OF CASS,
NORTH DAKOTA

DATED: _____

By _____
_____, its Chair

CASS COUNTY JOINT WATER RESOURCE
DISTRICT

DATED: _____

By _____
_____, its Chair



41

MEMORANDUM

TO: Fargo City Commission

FROM: Commissioner Tony Grindberg

DATE: May 21, 2018

SUBJECT: Interim City of Fargo Infrastructure Funding Policy

At the May 21, 2018 City Commission meeting, I will be offering the following suggested motion to:

1. Rescind the City of Fargo 2015 Infrastructure Funding Policy approved by the City Commission on November 23, 2015; and
2. Reinstate the City of Fargo 2013 Infrastructure Funding Policy originally approved by the City Commission on December 9, 2013.

As Mayor Mahoney recently suggested, the City Commission will be initiating a comprehensive review of the City's Special Assessment and Infrastructure Funding Policies in July 2018 after the new Commission is seated (see attached statement). The reinstatement of the 2013 Infrastructure Funding Policy should be viewed as an interim measure to provide certainty and predictability to property owners who are being assessed for recently completed and pending 2018 projects.

This is a prudent, short-term solution that will bridge the period of time between projects being assessed today and a new, comprehensive policy that will be developed in an open, transparent process that includes the public, development community stakeholders, and the City Commission. This will be the collective work of many, and is the best way to arrive at a policy that works for Fargo in the future.

Thank you for your consideration of this motion.

Mayor Mahoney Releases Statement on the Importance of an All-Inclusive & Thorough Review of Special Assessments

05/11/2018

Mayor Tim Mahoney has released the following statement:

The upcoming election for the Fargo City Commission has generated new concepts and ideas for consideration, which is a sign of a robust pool of candidates and an engaged citizenry. I look forward to the input of the new City Commission on several issues as we work to grow and improve Fargo.

The topic of special assessments, however, has seemingly dominated the discourse. In addition to those you have heard in the media, there are several other proposals and ideas to potentially reform or modify our special assessments policies. The input and views of the public, civic groups, lenders, builders and developers is necessary and welcomed.

It is important to reiterate that the City of Fargo is committed to meeting the needs of its residents and providing world-class services. We are the state's largest and most economically robust community and our residents have come to expect infrastructure that meets our needs.

I fully intend to initiate a robust review and debate of this issue when the new City Commission is seated in July. We are aware that the current 50/50 funding model has created a handful of large assessments, namely along North Broadway and arterial projects. This is the precise reason we have placed those specific assessments on hold until we could fully study the options. I am not prepared to see Fargo regress through policies that are not fully vetted.

Fargo residents can be assured that your City government is a good steward of your tax dollars, and its employees work tirelessly to identify efficiencies. Today, as in the past, the City is in compliance with North Dakota special assessment laws. These statutes permit the City to transfer residual funds from special assessments into the general fund. Such transfers have allowed the City to grow programs, offer services and fund capital projects, while consistently reducing Fargo's mill levy for the past several years.

The City's bond rating and accounting procedures have been recognized for their stability and soundness each year. These policies have been developed over decades and should not be modified in an ad hoc manner without thoughtful consideration of the potential, unintended consequences on our residents.

The City's budget is extremely complicated and making a modification in one area, while seemingly simple, may cause detrimental ramifications in other areas if not fully considered. We will study all ideas and properly evaluate each aspect. Our people should be the focus and it is my hope that this guiding principle does not become lost in the current political discourse.

City of Fargo Infrastructure Funding Policy Summary of Changes

Updated 2006, 2008, 2013, 2015

➤ December 9, 2013

- City of Fargo Commission adopted a revised infrastructure funding policy attached as “Item A”
 - This policy updated the assessment caps and added infrastructure categories that were not included in the 2008 policy.

➤ November 23, 2015

- City of Fargo Commission adopted a revised infrastructure fund policy attached as “Item B”
 - This policy removed and updated some of the assessment caps and added infrastructure categories that were not included in the 2013 policy.

➤ Updated the assessment caps on **New Arterial Roads**

Zoning/Land Use	Direct Fronting		Secondary Benefit	
	2013 (\$/FF)	Current Policy (\$/FF)	2013 (\$/FF)	Current Policy (\$/FF)
Single Family	188	208	30	31.20
Multiple Family	313	416	45	62.40
Commercial/Industrial	313	520	45	78.00
DMU/Retail	375	624	60	93.60

➤ Updated the assessment caps on **Reconstruction Arterial Roads**

Zoning/Land Use	Direct Fronting		Secondary Benefit	
	2013 (\$/FF)	Current Policy (\$/FF)	2013 (\$/FF)	Current Policy (\$/FF)
Single Family	75	208	30	31.20
Multiple Family	188	416	45	62.40
Commercial/Industrial	188	520	45	78.00
DMU/Retail	250	624	60	93.60

➤ Updated the assessment caps on **Reconstruction Local and Collector Roads**

Zoning/Land Use	Direct Fronting	
	2013 (\$/FF)	Current Policy (%)
Single Family	75	50/50
Multiple Family	188	50/50
Commercial/Industrial	188	50/50
DMU/Retail	250	50/50

➤ Removed the assessment caps on **Replacement/Rehabilitation of Sanitary Sewer Main** and went to a percentage split.

- 2013
 - Capped at \$40/FF
- Current Policy
 - 50% Assessed/50% Wastewater Utility Funds

➤ Removed the assessment caps on **Replacement/Rehabilitation of Water Main** and went to a percentage split.

- 2013
 - Capped at \$40/FF
- Current Policy
 - 50% Assessed/50% Water Utility Funds

➤ Updated the assessment percentages on **New Traffic Signals**

- 2013
 - 70% assessed/30% Street Tax/Street Rehab
- Current Policy
 - 100% Assessed

➤ Updated the assessment percentages on **Traffic Signals as Part of Street Construction & Reconstruction**

- 2013
 - No assessment
- Current Policy
 - 50% assessed/50% Sales Tax



City of Fargo Special Assessments Process Whitepaper

May 15, 2018

North Dakota Century Code Historical Summary & Authority

The City of Fargo utilizes special assessments as prescribed in North Dakota Century Code (NDCC). These statutes outline how assessments are developed, levied, and collected by political subdivisions. NDCC provides for a fair and equitable method of delivering high-quality, consistent infrastructure for the City of Fargo. This policy framework in Century Code provides a foundation for political subdivisions, like the City of Fargo, to administer local special assessment policies and procedures.

City of Fargo Procedure

The mechanics of special assessments in Fargo have been consistent for years and comply with NDCC. These mechanics remain unchanged today.

Deferral Process

A local ordinance, approved by the Fargo City Commission, governs how special assessment deferrals function, as NDCC does not prescribe how special assessments are to be administered. Fargo has a longstanding record of performance in achieving the capital goals of the community. As a high-growth community, the City has maintained high-quality capital assets and demonstrated a commitment to installing new infrastructure and replacing existing assets in an efficient manner.

Fargo uses special assessment deferrals in some cases when large tracts of property that have not been developed are assessed for infrastructure. The City's practice has been to grant interest-free deferrals for arterial roadways, and interest-bearing deferral contracts for local improvements. Deferrals consume funds within the debt service fund, and since Fargo is a growing city, this occurs often and requires a sizeable amount of deferred assessments to be carried.

Role of Tax Exempt Municipal Bonds in Infrastructure Projects

The infrastructure demands of a growing community require a sustainable source of revenue. Special assessments are the primary revenue source used by the City to pay tax-exempt municipal bonds. Tax-exempt municipal bonds are "tax preferred" instruments that assist communities in funding long-term improvements that are not affordable using cash resources. Fargo has a lengthy history of using tax-exempt municipal bonds, and has received very high credit ratings from Moody's Investors Service and Standard & Poor's Corporation based on its past performance.

Debt Service Management – Legal Compliance

Fargo's debt service funds are managed in compliance with NDCC 40-24-18. City staff, together with third party legal and financial advisors, assess infrastructure needs and develop responsive financing packages that deliver the best value while mitigating risk and exposure to the public. In fact, NDCC 40-24-18 requires that special assessment revenue be kept separate (segregated) and not be diverted for other purposes. Segregation of special assessment revenue is required for the life of the special assessment and bond obligations (see NDCC 40-24-18). This same section of the code provides that once special assessment

warrants and other obligations of the fund have been fully paid, all monies remaining in the fund may be transferred into the General Fund (see Attachment #1).

Assessments levied carry an interest rate above the actual borrowing rate on the bonds. NDCC 40-24-02 permits political subdivisions to levy the assessments up to 1.5% over the bond interest rate. Over the past several years, and based upon the recommendation of a Blue Ribbon Task Force that studied special assessments, the City of Fargo voluntarily agreed to lower the financing mark-up by 33% - reducing the 1.5% rate to **1%** over the bond rate (see Attachment #2 – July 21, 2003 City Commission approval). The purpose of this incremental mark-up is to provide long-term stability for the debt service fund, as the City is legally committed to a twenty-five (25) year debt service obligation. There are several risks inherent in the City's ability to collect special assessments on a timely basis, including:

- Significant downturn in the local economy;
- Natural disaster risk, such as a catastrophic flood event;
- Property tax levy to cure a special assessment deficiency (a "deficiency levy"); and
- Political risk.

Fargo City Commission Approval of Mark-Up

By resolution, the City Commission approves the 1% mark-up on special assessments for each bond sale and each time assessments are levied. In its process, the Commission authorizes a bond sale, establishes a special assessment fund for the project (or projects), and approves the 1% mark-up on the bond when a special assessment resolution is adopted (see Attachments #3 and #4 for illustration).

Refinancing Existing Debt

NDCC, in the opinion of the City and its bond counsel (Dorsey & Whitney LLP), treats special assessments and warrants as "locked in" once made. Reducing interest rates at the time of bond refinancing (especially to a level equal to the new average interest rate) would increase the risk of needing a deficiency levy, and would thereby shift payment burden from benefiting residents to the general population. The City's refunding/refinancing procedure promotes equity across various projects, is consistent with NDCC, and does not favor project types or properties over others.

NDCC Compliance Summary

The City has a track record of success and has consistently prevailed in legal challenges to its assessment practices. Significant policy discussion has occurred at the State Legislature over the past several sessions, but no substantive changes have been made. As a result, the City's special assessment process and mechanics remain consistent and compliant to the legal requirements and the directives of the Legislature as expressed in North Dakota Century Code.

Attachments:

Attachment #1 – North Dakota Century Code References

Attachment #2 – July 21, 2003 City Commission Approval of Blue Ribbon Task Force Recommendations (establishing the 1% mark-up above bond rate)

Attachment #3 – June 5, 2017 City Commission agenda and minutes

Attachment #4 – October 9, 2017 City Commission agenda and minutes

Attachment #1

North Dakota Century Code References

40-23-15. Governing body to hear and determine appeals and objections to assessments - Altering assessments - Limitations.

At the regular or special meeting of the governing body at which the assessment list is to be acted upon, any person aggrieved by the determination of the special assessment commission in regard to any assessment who has appealed therefrom as provided in section 40-23-14 may appear before the governing body and present the person's reasons why the action of the commission should not be confirmed. The governing body shall hear and determine the appeals and objections and may increase or diminish any of such assessments as it may deem just, except that the aggregate amount of all the assessments returned by the commission shall not be changed and no assessments as adjusted shall exceed the benefits to the parcel of land on which it is assessed as determined by the assessment commission.

40-24-02. Payment of special assessments - Interest.

All special assessments levied under this title may be paid without interest within ten days after they have been approved by the governing body and thereafter shall bear interest at an annual rate not exceeding one and one-half percentage points above the average net annual interest rate on any warrants or bonds for the payment of which they are pledged on the total amount thereof remaining unpaid.

40-24-18. Special improvement moneys to be kept separate - Designation and numbering of funds - Diversion of moneys prohibited.

All special assessments and taxes levied and other revenues pledged under the provisions of this title to pay the cost of an improvement shall constitute a fund for the payment of such cost, including all principal of and interest on warrants and other obligations issued by the municipality to finance the improvement, and shall be diverted to no other purpose. The city auditor shall hold all moneys received for any such fund as a special fund to be applied to payment for the improvement. Each such fund shall be designated by the name and number of the improvement district in or for which said special assessments, taxes, and revenues are collected. When all principal and interest on warrants and other obligations of the fund have been fully paid, all moneys remaining in a fund may be transferred into the general fund of the municipality.

40-26-08. Municipality liable generally for deficiencies in special improvement fund.

Whenever all special assessments and all utility revenues and taxes, if any, appropriated and theretofore collected for a special improvement, made under authority of any law authorizing the payment of the cost thereof in whole or in part from special assessments, are insufficient to pay principal or interest then due on the special improvement warrants issued against such improvement, the governing body shall levy a tax upon all of the taxable property in the municipality for the payment of such deficiency. If at any time a deficiency is likely to occur within one year in such special improvement fund for the payment of principal and interest due on such warrants, the governing body, in its discretion, may levy a general tax upon all the taxable property in the municipality for the payment of such deficiency. This section applies to any deficiency in a special improvement fund, including a sewer and water connections assessment fund under chapter 40-28, sidewalk special fund under chapter 40-29, curbing special fund under chapter 40-31, and boulevard special fund under chapter 40-32. In case a balance remains unexpended in a special improvement fund after the payment of all warrants drawn thereon with interest, it shall be paid over or transferred to the general fund of the municipality.

Attachment #2

July 21, 2003 City Commission Approval of Blue Ribbon Task Force Recommendations

completed this spring and, based on the data and other published information, the TTAC revised the application process and has recommended the process be approved. He said Attachment 2 is a Report of Action from the TTAC outlining the changes with a map showing how many of the areas tested would qualify to continue through the process. He said if the City Commission concurs with the approval of the Traffic Calming Application Process, the TTAC also recommends that the speed humps on 26th Avenue South between 27th and 32nd Streets be approved as permanent and assessed in accordance with the approved process as per Attachment 3.

Commissioner Lane moved the Board concur with the recommendations of the TTAC for approval of the Traffic Calming Application Process as revised and concur that the speed humps on 26th Avenue between 27th and 32nd Streets remain in place and be assessed according to the approval process.

Second by Rayl. On call of the roll Commissioners Lane, Rayl Lynch, Cosgriff and Furness voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Implementation Plan for the Special Assessment Task Force Recommendations
Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee submitting correspondence from City Engineer Mark Bittner regarding implementation of the Special Assessment Task Force recommendations. They summarized their discussion regarding asphalt pavement thickness standards for local residential streets, street width standards and tree planting. The Committee recommended approval of the following implementation plan:

A. Design Standard Items

1. Asphalt pavement thickness standards for local residential streets
Recommendation: Approve new design standards
Effective Date: Immediate
Action Items: Incorporate into Standard Specifications for Construction of Public Utilities – Engineering Department
2. Street Width
Recommendation: Approve street width standards
Effective Date: Subject to LDC amendment approval
Action Items: Process LDC amendment–Planning Department
3. Hydrant Spacing
Recommendation: Approve hydrant spacing standards
Effective Date: Immediate

B. Transfer Funding Responsibility

1. Sidewalk Construction

Recommendation: Require sidewalks to be constructed as part of building project
 Effective Date: All plats approved after January 1, 2004

2. Entry Medians and Boulevard Treatments

Recommendation: Require private funding and maintenance of medians and boulevard enhancements constructed for aesthetic purposes
 Effective Date: All plats approved after January 1, 2004

3. Tree Planting

Recommendations:

- a) City financing (sales tax) of boulevard trees on arterial and parkway (as designated by Planning Dept.) streets
- b) Special assessment of boulevard trees on collector streets and on local street sideyard locations.
- c) Require private installation and funding of all local street front yard trees.

Effective Date: All plats approved after January 1, 2004

Action Items: City staff to evaluate options for compliance with boulevard tree planting requirements-Forestry, Planning, Engineering, Auditors

C. Collector Arterial Overwidth Funding Policy for SR Zoned Properties

Recommendation: Revise overwidth street funding policy for SR zoned property to reduce assessed widths to 30/32' for streets and 4.5' for bike trails

Effective Date: Assessment districts created after January 1, 2004

Action Item: Prepare revision to street funding policy for formal approval – Engineering

D. Sanitary Lift Station Financing

Recommendation: Contribute 50% Sewer Utility funding of costs associated with sanitary sewer lift station installation

Effective Date: Retroactive to 1999

E. City Fees

1. Engineering/Administration Fees

Recommendation: Approve the following fee schedule

	New Construction	Rehab/Reconstruction
Engineering	11%	6%
Administration	6%	6%
Total	17%	12%

Effective Date: Projects initiated after January 1, 2004

2. Bond Interest

Recommendation: Set bond interest markup to 1.0%

Effective Date: Bond sales conducted after January 1, 2004

Commissioner Rayl moved the implementation plan for the Special Assessment Task Force Recommendations be approved.

Second by Lane. On call of the roll Commissioners Rayl, Lane, Lynch, Cosgriff and Furness voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Application Filed by Regency Fargo Hotel Ventures d/b/a Radisson Hotel to Transfer Their Alcoholic Beverage License to Adams Investment Co. d/b/a Radisson Hotel Approved:

A Hearing had been set for this day and hour on an application filed by Regency Fargo Hotel Ventures d/b/a Radisson Hotel to transfer their Class "ABH-5" Alcoholic Beverage License to Adams Investment Co. d/b/a Radisson Hotel, 201 5th Street North, notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Lynch moved the above application be approved.

Second by Lane. On call of the roll Commissioners Lynch, Lane, Cosgriff, Rayl and Furness voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Application Filed by Global Spectrum L.P. d/b/a Fargodome for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Global Spectrum L.P. d/b/a Fargodome for a Class "N" Alcoholic Beverage License at 1800 North University, notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Lynch moved the above application be approved.

Second by Lane. On call of the roll Commissioners Lynch, Lane, Cosgriff, Rayl and Furness voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Attachment #3

June 5, 2017 City Commission agenda and minutes

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

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, May 22, 2017).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Receive and file Summons and Complaint in the matter of Northern States Power Company v. Montplaisir Ag and Rental, LLP, et al.
- 2. Preliminary Resolution Approving the Financing of the Block Nine Project, The Issuance of Annual Appropriation Bonds and the Amendment of the Development Agreement - Taxable Series 2017B (Block Nine Project).
- 3. 2017 CLG grant award from the State Historical Society of ND in the amount of \$9,000.00 (Grant #38-17-141296-27).
- 4. Site Authorization for West Fargo Hockey Association at Fort Noks.
- 5. Applications for Games of Chance:
 - a. Kringen Club, Inc. for bingo from 7/1/17 to 6/30/18.
 - b. Sarah Talle Benefit for a raffle on 7/28/17; Public Spirited Resolution.
 - c. United Way of Cass-Clay for a raffle on 6/16/17.
 - d. North Dakota Horse Park Foundation for a calendar raffle from 7/15/2017 to 8/22/17; Public Spirited Resolution.
- 6. Notice of Grant Award with the ND Department of Health for Public Water Supply Supervision Program (CFDA No. 66.605).
- 7. Notice of Grant Awards with the ND Department of Health for Public Health Emergency Preparedness (CFDA Nos. 93.069).
- 8. Contract amendment with the ND Department of Commerce in the amount of \$2,700.00 for funds to support operational expenses at the Gladys Ray Shelter.
- 9. Submittal of an application to the US Department of Justice – Office of Community Oriented Policing Services requesting grant funding for two police officer positions for 2017.
- 10. RFP for soft drink and bottled water supply services for the Civic Auditorium (RFP17173).
- 11. Adopt Resolutions Approving the following Plats:
 - a. Osgood Townsite Fifteenth Addition.

- b. BNG Addition.
- 12. Bid award for roof replacement at the existing Water Treatment Plant (Project No. WA1707).
- 13. Change Order No. 3 for a decrease of \$44,218.00 with Maquire Iron, Inc. for Project No. WA1503.
- 14. Change Orders for Project No. WA1601:
 - a. No. 1 for an increase of \$5,300.00 with TMI Coatings, Inc.
 - b. No. 2 for an increase of \$323,500.00 with TMI Coatings, Inc.
- 15. Memorandum of Offer to Landowner for Permanent and Temporary Easements with Megan N. and Ryan J. Ditterick for Project No. FM-15-K0.
- 16. Street Closure Permit for the Moorhead Business Association to close the 1st Avenue North bridge over the Red River on September 7, 2017 for a community event.
- 17. Encroachment Agreement with Next Millennium Partners, LLP (Dawson Insurance) at 721 1st Avenue North.
- 18. Encroachment Agreement with Juice It, LLC at 64 Broadway.
- 19. Reimbursement Agreement for Utility Infrastructure with Consolidated Communications Enterprise Services, Inc. (Project No. FM-15-B2).
- 20. Change Order No. 1 for an increase of \$17,000.00 with AE2S for Consultant Services for Project No. MS-15-P0.
- 21. Final Balancing Change Order No. 6 for a decrease of \$41,842.40 for Project No. FM-14-03.
- 22. Time extension of an additional 30 days and a maximum width designation of 54.5 feet for a home move (Project No. HD-17-A1).
- 23. Contract Amendment No. 1 for an increase of \$102,408.95 with the Flint Group (Project No. MS-16-F0).
- 24. Alley Maintenance and Developer Agreements with the North Dakota State University Foundation and Alumni Association for the NDSU Foundation Addition.
- 25. Bid award for Project No. FM-15-J1.
- 26. Bills.
- 27. Memorandum of Offer to Landowner for a temporary easement with Professional Associates LLC (Improvement District No. BR-17-C1).
- 28. Revision to the 2017 CIP to include Improvement District No. BN-16-H1.
- 29. Urban Agreement for Construction of Federal Aid Project Title II Safety Program (Improvement District No. BN-17-B2).
- 30. Temporary pavement markings to provide diagonal stalls between Broadway and 4th Street on 4th Avenue North (Improvement District No. BR-17-F1).

31. Resolution of Necessity for Improvement District No. NR-17-B.
32. Wastewater Consulting Services Task Order No. 74 from AE2S in the amount of \$460,000.00 for Improvement District No. NR-17-B.
33. Bid awards for Improvement District Nos. BR-17-E1 and BR-17-L1.
34. Create Improvement District No. BN-17-A.
35. Contracts and bonds for Improvement District Nos. BN-17-B1, BR-17-B1 and BR-17-C1.

REGULAR AGENDA:

36. Fargo Youth Initiative (FYI) 2017 report.
37. Commissioner Grindberg wishes to reconsider the City Commission's action taken on May 8, 2017 regarding the zoning change from SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential and P/I, Public and Institutional, and Plat of Bison Meadows Second Addition (North of 70th Avenue South and West of University Drive South).
 - a. 1st reading of rezoning Ordinance.
 - b. Consider Infrastructure request for the first phase of the Bison Meadows Subdivision.
 - c. Consider the Storm Water Retention Agreement with Thomsen Properties, LLC for Bison Meadows Second Addition.
38. Public Hearings - 5:15 pm:
 - a. Changes in MATBUS Routes 13, 15, 16, 17, 18, 21, 22, 23 and the addition of Route 24.
 - b. Vacation of a portion of Roberts Street north of Northern Pacific Avenue and between Blocks 1 and 6 of Robert's Addition (tract of land located at NP Avenue and Roberts Street North); approval recommended by the Planning Commission on 4/4/17.
 - c. Name Change Plat for 38th Street South, located south of the City of Fargo within the Commerce on I29 Addition, to be renamed 39th Street South; approval recommended by the Planning Commission on 11/1/16.
 - d. Transfer of a Class "GH" Alcoholic Beverage License from Bravish LLD d/b/a Himalayan Yak at 1450 25th Street South #160 to Harihar LLC d/b/a Himalayan Yak.
 - e. Transfer of a Class "ABH-Limited" Alcoholic Beverage License from PAC DAK Hospitality LLC d/b/a Holiday Inn Express & Suites I-94 at 4711 19th Avenue South to 4711 Hospitality LLP d/b/a Holiday Inn Express I-94.
 - f. Special Assessments for 2015 Reconstruction of City Ordered Sidewalks.
 - g. Special Assessments for 2016 Reconstruction of City Ordered Sidewalks.
 - h. Special Assessments for 2016 New Construction City Ordered Sidewalks.

Special Assessment lists for the following Improvement Districts, all having been approved by the Special Assessment Commission on 5/5/17; set the interest rate at 1% per annum over the net rate on bonds financing said projects:

- i. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Grading and Incidentals No. BN-15-A1.
- j. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Grading and Incidentals No. BN-15-B1.
- k. Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals No. BN-15-E1.
- l. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals No. BN-15-G1.
- m. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. BN-15-H1.
- n. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. BN-16-A1.
- o. Water Main Replacement, Street Reconstruction, Street Scape with Cycle Track and Incidentals No. BR-15-B1.
- p. Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals No. BR-15-F1.
- q. Retention Pond and Incidentals No. FP-14-01.
- r. Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals No. PN-14-11.
- s. Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals No. PN-15-G1.
- t. Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals No. PN-15-K1.
- u. Asphalt Wear Course and Incidentals No. PN-16-A1.
- v. Seal Coat and Incidentals No. PR-16-B1.
- w. Asphalt Mill and Overlay and Incidentals No. PR-16-C1.
- x. New Construction City Ordered Sidewalks and Incidentals No. SN-16-A1.
- y. Reconstruction City Ordered Sidewalks and Incidentals No. SR-15-A1.
- z. Reconstruction City Ordered Sidewalks and Incidentals No. SR-16-A1.
- aa. Traffic Signal Improvements and Incidentals No. TN-15-B1.
- bb. Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. UN-15-J1.

39. Construction Projects Update.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 241-1310. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo web site at FargoND.gov/citycommission.

Excerpt of Board of City Commissioners June 5, 2017 Minutes

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 5:00 o'clock p.m., Monday, June 5, 2017.

The Commissioners present or absent were as shown following:

Present: Gehrig, Grindberg, Piepkorn, Strand, Mahoney.

Absent: None.

Mayor Mahoney presiding.

Special Assessment List for Various Improvement Districts Approved:

A Hearing had been set for this day and hour on the special assessment list for the construction of the following Improvement Districts in the City of Fargo, North Dakota, all having been approved by the Special Assessment Commission on May 5th, 2017; set the interest rate at 1% per annum over the net rate on bonds financing said projects:

- i. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Grading and Incidentals No. BN-15-A1.
- j. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Grading and Incidentals No. BN-15-B1.
- k. Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals No. BN-15-E1.
- l. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals No. BN-15-G1.
- m. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. BN-15-H1.
- n. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. BN-16-A1.
- o. Water Main Replacement, Street Reconstruction, Street Scope with Cycle Track and Incidentals No. BR-15-B1.
- p. Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals No. BR-15-F1.
- q. Retention Pond and Incidentals No. FP-14-01.
- r. Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals No. PN-14-11.
- s. Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals No. PN-15-G1.
- t. Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals No. PN-15-K1.
- u. Asphalt Wear Course and Incidentals No. PN-16-A1.
- v. Seal Coat and Incidentals No. PR-16-B1.
- w. Asphalt Mill and Overlay and Incidentals No. PR-16-C1.
- x. New Construction City Ordered Sidewalks and Incidentals No. SN-16-A1.
- y. Reconstruction City Ordered Sidewalks and Incidentals No. SR-15-A1.
- z. Reconstruction City Ordered Sidewalks and Incidentals No. SR-16-A1.
- aa. Traffic Signal Improvements and Incidentals No. TN-15-B1.
- bb. Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. UN-15-J1.

No appeals have been filed in writing against any item appearing on such special assessment list and no person is present at this Hearing to appeal or offer any objection thereto.

In response to a question from Commissioner Strand about how benefit is determined, Special Assessment Coordinator Dan Eberhardt said benefit is calculated on a linear foot basis and everyone pays the same per linear foot. He said the assessments are defined by front footage and for example, in the Woodhaven area, one lot could have five units and another lot could have eight or nine due to the

fact the green space is evenly divided. He said he looks at the total cost of a project, calculates the footage of all parcels in the area and then divides it by the total front footage. He said benefit is statutorily defined by the state.

Commissioner Grindberg moved that the special assessment list for the construction of the above listed Improvement Districts be and the same are hereby approved and confirmed and ordered filed in the office of the City Auditor, that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law and that the interest rate be set at 1% per annum over the net rate on bonds financing said projects.

Second by Gehrig. On call of the roll Commissioners Grindberg, Gehrig, Strand, Piepkorn and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Attachment #4

October 9, 2017 City Commission agenda and minutes

FARGO CITY COMMISSION AGENDA
Monday, October 9, 2017 - 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, September 25, 2017).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 9/25/17:
 - a. Rezoning Certain Parcels of Land Lying in Reeves Addition.
 - b. Amending Sections 20-0401 and 20-0402 of Article 20-04 of Chapter 20 of the Fargo Municipal Code Relating to Use Regulations and Self-Service Storage.
- 2. Receive and file communication from Leo F.J. Wilking regarding the appeal of Aaron Cockfield appealing the decision of the Civil Service Commission and set a date for a hearing.
- 3. Receive and file communication from Mark A. Friese regarding the appeal of David Boelke appealing the decision of the Civil Service Commission and set a date for a hearing.
- 4. Renewal of BCBSND Dental Insurance, Avesis Vision Insurance and Mutual of Omaha Life Insurance effective 1/1/18 and transition to Mutual of Omaha Long-Term Disability Insurance.
- 5. Out-of-Grade pay request for Audra Stonefish in the Public Health Department.
- 6. Sole Source Procurement with Family HealthCare for annual medical interpreting services for an estimated amount of \$36,000.00.
- 7. Amendment to Development Agreement with DFI Roberts LLC.
- 8. Roberts Commons Condominium formation documents.
- 9. Appointment of Cass County State's Attorney and Assistants as Special City Prosecutors.
- 10. Tax exemptions for improvements made to buildings:
 - a. Don R. Symington, 1110 3rd Avenue North Unit 603W (3 year).
 - b. Amy T. and Devin B. Mertes, 1537 4th Street North (5 year).
 - c. Brent A. and Jenel K. Wavra, 2719 28th Avenue South (5 year).
 - d. Ronald W. and Dawn D. Solberg, 1327 Oak Street North (5 year).
 - e. Ronald W. and Dawn D. Solberg, 1327 Oak Street North (5 year).

- f. Dennis J. and Teresa M. Steinman, 1618 10th Street South (5 year).
 - g. Thomas R. and Carol A. Gustad, 3657 River Drive South (5 year).
 - h. Benjamin J. Wenger, 2402 7th Street North (5 year).
- 11. Site Authorization for Fargo Youth Hockey Association at H.A. Thompson and Sons Arena (previously the Teamsters Arena).
 - 12. Applications for Games of Chance:
 - a. Bennett PTA for bingo from 10/13/17 to 4/13/18.
 - b. Nativity Elementary School for a raffle on 2/2/18.
 - c. Dan Hedrick Benefit for a raffle on 11/1/17; Public Spirited Resolution.
 - d. Nativity Church of Fargo for a raffle on 11/5/17.
 - e. United Way of Cass-Clay for a raffle on 10/20/17.
 - f. United Way of Cass-Clay for a raffle on 11/20/17.
 - g. United Way of Cass-Clay for a raffle on 11/15/17.
 - h. Fargo North Spartans for a raffle on 12/2/17.
 - 13. Request from YMCA to hang banners in the skyway from December 1st to December 14th to promote their presence in downtown.
 - 14. Request to extend the 2016/2017 snow hauling contracts with Master Construction, Diesel Dogs Trucking and Industrial Builders for the 2017/2018 snow season (RFP17012, RFP17013 and RFP17014).
 - 15. Sole Source Procurement for the purchase of AMP salt brine additive from EnviroTech Services at a price of \$2.76 per gallon.
 - 16. Sole Source Procurement for the purchase of IceSlicer ice melt from EnviroTech Services at a price of \$180.00 per ton.
 - 17. Local match commitment letter for the FEMA Pre-Disaster Mitigation Grant application associated with Project No. WW1707.
 - 18. Three-year contract with Fargo Public Schools for garbage collection services with the option to renew for two additional terms ending 10/31/23 and 10/31/26.
 - 19. Amendment to the Emergency Management Joint Powers Agreement.
 - 20. Cost Share Agreement with Cass County ND for the Completion of the Multi-Hazard Mitigation Plan.
 - 21. Fire Department budget adjustment and contract with the ND Division of Homeland Security for grant funding in the amount of \$158,345.00 for the purchase of Regional Response Equipment and Training (CFDA #97.067).
 - 22. Police Department budget adjustment and contract with the ND Division of Homeland Security for grant funding in the amount of \$79,344.00 for the purchase of air-purifying respirators (CFDA #97.067.)
 - 23. Police Department budget adjustment and NDDOT Grant in the amount of \$55,000.00 for Seatbelt, Impaired Driving, Distracted Driving Enforcement and Education Activities and Underage Drinking Enforcement (CFDA #20.616 and 20.600).

24. Advertisement of Request for Proposals for general engineering services for the Solid Waste, Water and Wastewater Utilities.
25. ND DOT State Aid Contract in the amount of \$426,711.00 for transit funding.
26. Road Use Agreement with KCM, Kilbourne Construction Management, and DFI Roberts LLC for 625 2nd Avenue North.
27. Bid advertisement for Project No. UR-17-C.
28. Bid award for Project No. TR-17-B1.
29. Contracts and bonds for Project Nos. FM-17-B1 and WA1510.
30. Bills.
31. Requests from the following contractors to conduct work on Sundays as needed to meet deadlines and complete projects prior to winter.
 - a. Master Construction, Improvement District Nos. BN-17-A1, BN-17-B1, BR-17-C1 and BR-17-F1.
 - b. Shermans LLC, Improvement District No. BR-17-G1.
 - c. Excavating Inc., Project Nos. FM-14-63 AND FM-15-B2.
 - d. ICS, Project No. FM-15-J1.
 - e. Opp Construction, Improvement District No. PR-17-F1.
32. Time extension to 9/12/18 for Improvement District No. BN-17-A1.
33. Time extension to 10/13/17 for Improvement District No. BN-17-B1.
34. Early Build Permit for Properties in Cottagewood 3rd Addition (Improvement District No. BN-17-H1).
35. Early Build Permit for Property at 5002 19th Avenue North (Improvement District No. BN-17-A1).
36. Contract Amendment No. 1 for an increase of \$75,877.00 for Improvement District No. BN-17-A0.
37. Final Balancing Change Order No. 2 for an increase of \$2,751.15 for Improvement District No. NR-16-A1.
38. Negative Final Balancing Change Order No. 3 in the amount of -\$4,146.11 for Improvement District No. NN-14-21.
39. Negative Final Balancing Change Order No. 5 in the amount of -\$31,583.90 for Improvement District No. BR-16-A1.
40. Negative Final Balancing Change Order No. 4 in the amount of -\$12,735.00 for Improvement District No. NN-15-A1.
41. Contract and bond for Improvement District No. AN-17-G1.

REGULAR AGENDA:

42. Commissioner Gehrig would like to discuss special assessments.
43. Commissioner Piepkorn would like to discuss property tax reform.
44. Public Hearings - 5:15 pm:
 - a. CONTINUED to 11/6/17 - Appeal of a Board of Adjustment decision on a variance request at 3931 and 3949 37th Avenue South to allow a proposed building to be constructed to a lower elevation than would otherwise be required by the City's Floodproofing Code, as referenced by Article 21-06 of the Fargo Municipal Code; denied by the Board of Adjustment on 8/22/17; continued from 9/25/17 Regular Meeting.
 - b. Special Assessment lists for the following Improvement Districts, all having been approved by the Special Assessment Commission on 9/6/17; set the interest rate at 1% per annum over the net rate on bonds financing said projects:
 - (1) Drain 10 Channel Repairs Improvement District No. 6237.
 - (2) P.C. Concrete Alley Paving Improvement District No. AN-16-A.
 - (3) P.C. Concrete Alley Paving Improvement District No. AN-16-B.
 - (4) P.C. Concrete Alley Paving Improvement District No. AN-16-C.
 - (5) P.C. Concrete Alley Paving Improvement District No. AN-16-E.
 - (6) Sanitary Sewer, Water Main, Storm Sewer, Concrete Curb and Gutter, Asphalt Paving, Street Lights Improvement District No. BN-15-K.
 - (7) Sanitary Sewer, Water Main, Storm Sewer, Concrete Paving, Street Lights Improvement District No. BN-15-N.
 - (8) Sanitary Sewer, Water Main, Storm Sewer, Grading, Paving, Street Lights Improvement District No. BN-16-E.
 - (9) Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights Improvement District No. BN-16-F.
 - (10) Sanitary Sewer, Storm Sewer, Paving, Street Lights Improvement District No. BN-16-L.
 - (11) Water Main Replacement, Street Reconstruction Improvement District No. BR-15-A.
 - (12) Water Main Replacement, Force Main Construction, Street Reconstruction Improvement District No. BR-16-B.
 - (13) P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement Improvement District No. PN-14-7.
 - (14) Concrete Curb and Gutter, Asphalt Pavement, Street Lights Improvement District No. PN-15-E.
 - (15) P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement Improvement District No. PN-15-L.
 - (16) Concrete Curb and Gutter, Asphalt Pavement, Street Lights Improvement District No. PN-15-M.
 - (17) Concrete Curb and Gutter, Asphalt Pavement, Street Lights Improvement District No. PN-15-N.
 - (18) Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lights, Sidewalks Improvement District No. PR-14-0.
 - (19) Traffic Signals Improvement District No. TN-16-B.
 - (20) Traffic Signals Improvement District No. TN-16-E.
 - (21) Sanitary Sewer, Water Main, Storm Sewer Improvement District No. UN-15-M.

- (22) Sanitary Sewer, Water Main, Storm Sewer Improvement District No. UN-15-N.
 - (23) Water Main Replacement Improvement District No. UR-16-A.
- c. Renaissance Zone Project for DFI BG LLC for a rehabilitation project located at 115, 117 and 119 Broadway North.
- 45. Easement Agreement with DFI Dillard and DFI Kesler that provides access between the Dillard Building and the Roberts Parking Garage and parking priority for residential tenants.
 - 46. Consider contract award for consulting services for Apex Engineering Group in the amount of \$1,029,065.00 (Improvement District No. BR-18-C0).
 - 47. Consider Resolution Supporting an Inclusive Community.
 - 48. Commissioner Grindberg would like to discuss election reform proposals.
 - 49. Commissioner Gehrig would like to discuss the injunction on the FM Diversion.

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

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

Excerpt of Board of City Commissioners October 9, 2017 Minutes

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 5:00 o'clock p.m., Monday, October 9, 2017.

The Commissioners present or absent were as shown following:

Present: Gehrig, Grindberg, Piepkorn, Strand, Mahoney.

Absent: None.

Mayor Mahoney presiding.

Hearing on the Special Assessment List for Various Improvement Districts Approved:

A Hearing had been set for this day and hour on the special assessment list for the construction of the following Improvement Districts in the City of Fargo, North Dakota, all having been approved by the Special Assessment Commission on September 6, 2017; set the interest rate at 1% per annum over the net rate on bonds financing said projects:

Drain 10 Channel Repairs Improvement District No. 6237.

P.C. Concrete Alley Paving Improvement District No. AN-16-A.

P.C. Concrete Alley Paving Improvement District No. AN-16-B.

P.C. Concrete Alley Paving Improvement District No. AN-16-C.

P.C. Concrete Alley Paving Improvement District No. AN-16-E.

Sanitary Sewer, Water Main, Storm Sewer, Concrete Curb and Gutter, Asphalt Paving, Street Lights Improvement District No. BN-15-K.

Sanitary Sewer, Water Main, Storm Sewer, Concrete Paving, Street Lights Improvement District No. BN-15-N.

Sanitary Sewer, Water Main, Storm Sewer, Grading, Paving, Street Lights Improvement District No. BN-16-E.

Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights Improvement District No. BN-16-F.

Sanitary Sewer, Storm Sewer, Paving, Street Lights Improvement District No. BN-16-L.

Water Main Replacement, Street Reconstruction Improvement District No.

BR-15-A.

P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement Improvement District No. PN-14-7.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights Improvement District No. PN-15-E.

P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement Improvement District No. PN-15-L.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights Improvement District No. PN-15-M.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights Improvement District No. PN-15-N.

Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lights, Sidewalks Improvement District No. PR-14-O.

Traffic Signals Improvement District No. TN-16-B.

Traffic Signals Improvement District No. TN-16-E.

Sanitary Sewer, Water Main, Storm Sewer Improvement District No. UN-15-M.

Sanitary Sewer, Water Main, Storm Sewer Improvement District No. UN-15-N.

Water Main Replacement Improvement District No. UR-16-A.

City Auditor Steve Sprague said the projects being presented have been constructed, finalized and have gone through the assessment process with all of the required notices and inspections done. The total is

\$43 million in completed project costs, he said, and \$35 million in assessments is being proposed affecting just under 3,200 parcels. He said the interest rate which is set at 1% above the bond interest and it varies between projects; however, generally speaking it is at about 4%. The term is 25 years on most projects, he said, and some are required to be only 10 years, set by statute.

Virgil Schultz, 3225 45th Avenue South, spoke regarding Traffic Signals Improvement District No. TN-16-E. He said everyone uses that road and while he does not mind paying some of it, it all adds up. He suggested a transportation fund could be implemented and funded by a tax on gas of a half-cent or penny on a gallon of gas in Fargo, rather than taxing residents, he said.

Commissioner Piepkorn moved that the special assessment list for the construction of the above listed Improvement Districts be and the same are hereby approved and confirmed and ordered filed in the office of the City Auditor, that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law and that the interest rate be set at 1% per annum over the net rate on bonds financing said projects.

Second by Grindberg. On call of the roll Commissioners Piepkorn, Grindberg, Gehrig, Strand and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.