

FARGO CITY COMMISSION AGENDA
Monday, November 13, 2023 – 4:00 P.M.

Executive Session at 4:00 p.m.

Roll Call.

PLEASE NOTE: The City Commission will convene at 4:00 p.m. and retire into Executive Session in the Red River Room for the purpose of attorney consultation and to discuss whether or not to participate in the Class Action Settlements involving 3M and DuPont. Further to discuss these matters in open session would have an adverse fiscal effect on the bargaining or litigation position of the public entity. Therefore, an Executive Session for this matter is authorized pursuant to North Dakota Century Code 44-04- 19.1 subsections 2 and 9.

Regular Meeting at 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, October 30, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 1st reading of an Ordinance Amending Section 24-0102 of Article 24-01 of Chapter 24 of the Fargo Municipal Code Relating to the Franchise Granted to the St. Paul, Minneapolis and Manitoba Railroad Company and Its Successors.
- 2. 2nd reading and final adoption of an Ordinance Amending Section 25-1508 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages; 1st reading, 10/30/23.
- 3. 2nd reading and final adoption of an Ordinance Amending Section 13-1011 of Article 13-10 of Chapter 13 of the Fargo Municipal Code Relating to Recreational Aquatic Facilities; 1st reading, 10/30/23.
- 4. 2nd reading and final adoption of an Ordinance Amending Article 13-14 of Chapter 13 of the Fargo Municipal Code Relating to Hotels & Motels; 1st reading, 10/30/23.
- 5. Findings of Fact, Conclusions and Order and Notice of Entry of Order for property located at 1208 University Drive South.
- 6. Findings of Fact, Conclusions and Order and Notice of Entry of Order for property located at 1710 1st Avenue South.

7. Concur with the findings of staff and the Liquor Control Board and apply the penalty matrix of a \$500.00 fine for first failure to the liquor license violations identified at the Old Broadway.
8. Applications for Games of Chance:
 - a. Fargo North High School for a raffle on 11/18/23.
 - b. Muskies Inc. F-M Chapter for a raffle on 2/8/24.
9. Contract and bond for Project No. ER-23-A1 (EM23170).
10. Contract and bond for Improvement District No. BR-24-E1.
11. Pipeline Easement and Agreement with Northern States Power Company.
12. Change Order No. 3 in the amount of \$18,830.68 for Project No. PR-23-F1.
13. Change Order No. 6 in the amount of \$18,986.00 for Project No. FM-19-C1.
14. Contract Amendment No. 5 in the amount of \$99,500.00 for Project No. FM-19-C0.
15. Change Order No. 1 for a 14-day Interim Time Extension for Project No. TR-23-A1.
16. Bid award to Dakota Underground Company Inc. in the amount of \$3,413,321.83 for Improvement District No. BR-24-A1.
17. Road Construction Agreement with BLOC Partners, LLC for Improvement District No. BR-24-G1.
18. Negative Final Balancing Change Order No. 7 in the amount of -\$63,970.71 for Improvement District No. BR-21-C1.
19. Negative Final Balancing Change Order No. 5 in the amount of -\$141,877.35 for Improvement District No. BN-22-A1.
20. Pre-qualified firms for Engineering/Architectural Services (RFP24010 and RFP24011).
21. Receive and file General Fund – Budget to Actual unaudited monthly financial statements through 10/31/23.
22. Request for budget adjustments as presented.
23. Software as a Service Agreement with Tyler Technologies, Inc. (RFP23029).
24. Lease with Option to Purchase Agreement No. 40005358 with CapFirst Equipment Finance, Inc. (RFP23131).
25. Resolution in Support of the Adjusted Fargo-Moorhead Urbanized Area Boundary.
26. Appoint Daniel Phillips and Trent Barkhus as Alternate Municipal Court Judges effective 11/15/23.
27. Bid award to Bosma Enterprises, LLC for snow removal services for the City's snow removal assistance program (RFP23185).

28. Bid award to Titan Machinery in the amount of \$266,505.00 for the purchase of one articulated wheel loader with v-plow (RFP24004).
29. Bid award to Butler Machinery in the amount of \$381,660.00 for the purchase of one motor grader and wing (RFP24005).
30. Bid award to Butler Machinery in the amount of \$381,660.00 for the purchase of one motor grader and wing (RFP24006).
31. Bills.

REGULAR AGENDA:

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

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

33. **PUBLIC HEARING** - Appeal of a Board of Adjustment decision regarding a Land Management Permit at 338 9th Avenue South.
34. Presentation of the Implementation Plan for the Downtown InFocus Take Action 2023.
35. Presentation of the Final Report on the Noise and Vibration Study.
36. Presentation on the recommended Federal and State Aid Transportation Project applications for years 2024 to 2028.
37. Recommendation to Adopt the Resolution Directing the Issuance of \$42 million Refunding Improvement Bonds, Series 2023D and Prescribing the Terms and Covenants Therefor.
38. 1st reading of an Ordinance Amending Sections 13-1801, 13-1802, 13-1806 of Article 13-18 of Chapter 13 of the Fargo Municipal Code Relating to Massage Therapy Establishments.
39. 1st reading of an Ordinance Amending Section 1-0305 (A)(1) of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations.
40. Recommendation for appointments to the following Commissions:
 - a. Human Rights Commission.
 - b. Native American Commission.
41. Applications for Property Tax Exemptions made to Buildings:
 - a. Bruce Morgan, 3516 Par Street North (5 years).
 - b. Michael Joyce T/O/D, 3644 Fairway Road North (5 years).
 - c. Regan and Amanda Miller, 2201 Victoria Rose Drive South (5 years).
 - d. Mark and Elizabeth Payne, 4444 Carrie Rose Lane (5 years).
 - e. GMM Properties LLC, 1637 11th Street North (5 years).
 - f. Rodney and Jane Capistran T/O/D, 1126 Oak Street North (5 years).
 - g. John and Joann Lawrence, 732 Ironwood Court South (5 years).
 - h. Christopher and Bethany Myhre, 3614 21st Street South (5 years).
 - i. Carolyn Lieb-Jorgensen and Blaine Jorgensen, 213 30th Avenue North (5 years).

- j. Ethan Foster, 1401 4th Street North (5 years).
- k. Jeffrey and Rebecca Ledoux, 4442 Carrie Rose Lane South (5 years).
- l. Terrance Fortier T/O/D, 2610 Evergreen Road North (5 years).

42. Liaison Commissioner Assignment Updates.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310. 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 www.FargoND.gov/citycommission.

33

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: SCOTT LIUDAHL, CITY FORESTER

DATE: NOVEMBER 9, 2023

RE: APPEAL OF BOARD OF ADJUSTMENT DECISION REGARDING A LAND MANAGEMENT PERMIT AT 338 9 AVE S, UPHOLDING AN ADMINISTRATIVE DECISION ON PERMIT

In front of the City Commission on November 13th is a public hearing to appeal the Board of Adjustment's decision to uphold an administrative decision on a Land Management Permit. The Board of Adjustment considered an appeal of an administrative decision on October 24, 2023 and unanimously approved to uphold the decision of the City Forester.

Here is a summary of exhibits for reference:

- 1) Board of Adjustment – Finding of Fact
- 2) Application for an Appeal of a Board of Adjustment Decision, dated October 25, 2023
- 3) Board of Adjustment Appeal of an Administration Decision, staff report and supporting documentation dated October 24, 2023.

The appellant and staff will both be present as part of the public hearing for this item to provide the background for your review and ruling of this appeal.

Suggested Motion:

The Board of City Commissioners has reviewed the application and supporting documentation for a Land Management Plan / Permit at 338 9th Avenue South and find the proposed application meets the purpose and intent of Fargo Municipal Code 11-08. Upholding the Board of Adjustment decision reaffirming the Forestry Department's approval of the Land Management Plan / Permit at 338 9th Avenue South.

CITY OF FARGO
Appeal of a Board of Adjustment Decision

Item: Appeal of Board of Adjustment Decision

Date: November 6, 2023

Appellant: Marilyn Seitz

Appeal of BOA Decision to City Commission – November 13, 2023

Summary of Record

Background:

The Board of Adjustment considered an Appeal of an Administrative Decision at the October 24, 2023 regular meeting.

Exhibits:

The following exhibits are admitted as part of this staff report and are attached:

- Appeal of a Board of Adjustment Decision application from the appellant, dated October 25, 2023.
- Board of Adjustment packet excerpt from the October 24, 2023 which includes the permit application and Fargo Municipal Code, Article 11-08.

October 24, 2023 Board of Adjustment - Findings of Fact

A full and complete application was filed by K. Wallin and D. Ross on June 27, 2023 seeking a Land Management Permit at 338 9th Avenue South to allow plantings to exceed the maximum 8-inch height of grasses as required in 11-0809 of the Fargo Municipal Code.

The Land Management Plan / Permits are intended to promote native and other plants and grasses in their landscape, including pollinator gardens/plants, vs traditional Kentucky blue grass.

As outlined in the Fargo Municipal Code 11-0810, the City Forester reviewed and approved the application and mailed notification of the approval to property owners within 200 feet of the subject property. Neighboring property owners were provided the option to appeal the City Forester decision to the Board of Adjustment as outlined in a letter dated July 17, 2023.

A written letter of protest was submitted via email to the City Forester on August 8, 2023 by M. Sietz.

The Board of Adjustment considered the Appeal of an Administration Decision at the October 24, 2023 meeting. The Land Development Code, as outlined in the §20-0916, outlines how the Board of Adjustment is to consider an Appeal of an Administrative Decision:

Appeals of Administrative Decisions shall be taken to the Board of Adjustment. The Board of Adjustment shall grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. In exercising the appeal power, the Board of Adjustment shall have all the powers of the official from whom the appeal is taken, and the Board of Adjustment may reverse or affirm wholly or partly or may modify the decision being appealed. If the Board of Adjustment determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence. A concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of an administrative official.

The Board of Adjustment at the regular meeting on October 24, 2023 voted 5-0, unanimously to Affirm staff's decision to Approve the Land Management Permit / Plan application for 338 9th Avenue South.

Appeals from the action of the Board of Adjustment may be taken to the Board of City Commissioners by filing an appeal with the Zoning Administrator.

On October 25, 2023, an application to Appeal a Board of Adjustment was submitted to the Zoning Administrator Decision by M. Seitz.

Appeal of a Board of Adjustment Decision

The Board of City Commissioners shall consider the application for a Land Management Permit / Plan as a new matter in a public hearing and, at the close of the public hearing, act to approve or deny the original application.



PLANNING AND DEVELOPMENT

200 Third Street North
Fargo, North Dakota 58102

Phone: (701) 241-1474

Fax: (701) 241-1526

E-Mail: planning@cityoffargo.com
www.cityoffargo.com

APPEAL OF A BOARD OF ADJUSTMENT DECISION

We, the undersigned, do hereby petition the Board of City Commissioners of the City of Fargo, North Dakota, to hear and decide an appeal of a decision or determination made by the Board of Adjustment of the City of Fargo.

Property Owner Information

Name (printed): MARILYN Seitz

Address: 327 10 AVE NO

Primary Phone: [REDACTED] Notext

Alternative Phone: —

Fax: —

Email: [REDACTED]

Representation Information (if applicable)

Name (printed): _____

Address: _____

Primary Phone: _____

Alternative Phone: _____

Fax: _____

Email: _____

Location of property involved in the appealed decision (if applicable)

Address: 338 9 AVE. SOUTH - FARGO, N.D. (City owned)

Legal Description (attach separate sheet if more space is needed): _____

Reason for Appeal (attach separate sheet if more space is needed)

Political favoritism on rejection !!

Discrimination toward me

Harassment toward me after rejection.

See attached list of Complaints (please)

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

Owner (Signature): Marilyn Seitz Date: 10/25/2023

Representative (Signature): _____ Date: _____

Office Use Only

Date Filed: _____ Pre-Application Meeting Date: _____

Application Complete: Yes No Reviewed By: _____

RECEIVED
10/25/2023

City of Fargo

Board of Adjustment

225 N 4 Street

Attn: Kim Citrowske

Fargo, ND 58102

Cc: Scott Luidahl

Fargo Forestry Dept

402 23 st N

Fargo, ND 58102 sliudahl@fargond.gov

This is In PROTEST and response to WEED PATCH that has been installed 3 years ago by residence at 340 9 ave So Fargo, ND.

10 residents in this area are protesting this weed Patch.,

1. This property does not belong to resident at 340 9 ave so. Therefore they have no right to establish use of this land.
2. This land is owned by City of Fargo or Dike Project.
3. All 10 residents have lived in this area for 30 – 40 years and have always had a well maintained area and are demanding that this be continued.
4. This weed patch was planted by non owners, to stop anyone from coming near their patio, which is their lot line.
5. This weed patch is a safety hazard and a environmental tragedy . Noxious weeds are rampant and need immediate removal.
6. This WEED Patch has devalued our property since prospective buyers are asking what type of ghetto this area has turned into.
7. This WEED PATCH had a rope tied to City Property so people would stay OUT !!!
8. This WEED PATCH approval was back dated!! This appears to be inside political favoritism.
9. The Shack that resident at 340 9 ave So needs to be removed., No garage or shack of any sort can be installed in back of residence. All residents in area are upset that personal junk is visible. JUNK NEEDS To be installed inside owners property.
10. Protesting also that other residents tax dollars are being spent to pay for WEED PATCH .

- 11. 10 residents are demanding that WEED PATCH be removed immediately and trees trimmed to eliminate hiding spots for vagrants looking for a place to camp and expose their their body which is in full view of other members of community.**
- 12. Please ensure prompt and courteous removal of all of the above.**

Sincerely

10 community residents and TAX Payers

Please respond ASAP

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Scott ,

pLEASE add these items to my complaint letter.

This weed patch has not been maintained

1. weed patch is supposed be cut down in spring not done
2. weed patch is supposed to be sprayed not done until weeds were 6ft tall.
3. weed patch is supposed to be burned at end of growing season. not done plus better not start a fire

in a residential area.

Please add to my letter.

thank you,

marilyn seitz

|

Virus-free.www.avg.com

<image001.jpg>

image001.jpg

1K



Marilyn Seitz <[REDACTED]>

Re: weed patch on 9 ave so.Fargo

1 message

Scott Liudahl <SLiudahl@fargond.gov>

Thu, Oct 19, 2023 at 11:13 AM

To: Marilyn Seitz <[REDACTED]>

Completed.

I sent it to Kim.

Thanks Marilyn.
Scott

Sent from my iPhone

On Oct 19, 2023, at 9:20 AM, Marilyn Seitz <[REDACTED]> wrote:

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Scott, Thanks for your response, would you like a photo of what his weed patch looks like now? PERHAPS YOU OR SOMEONE WITH AUTHORITY should take your own photo (not the owner at 9th).
Thanks marilyn seitz

 Virus-free.www.avg.com

On Thu, Oct 19, 2023 at 7:31 AM Scott Liudahl <SLiudahl@fargond.gov> wrote:

Thanks Marilyn.

Scott

From: Marilyn Seitz <[REDACTED]>
Sent: Wednesday, October 18, 2023 12:48 PM
To: Scott Liudahl <SLiudahl@FargoND.gov>



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

BOARD OF ADJUSTMENT
Tuesday, October 24, 2023 | 9:00AM
City Commission Chambers
AGENDA

1. Approve Minutes – September 26, 2023
2. New Business
 - a. CONTINUED - Appeal of Administrative Decision – 338 9th Avenue South
 - i. Appellant claims staff erred in its determination to approve a Land Management Plan / Permit issued at 338 9th Avenue South. Land Management Plan / Permits allow plantings to exceed the maximum 8 inch length as defined by the City of Fargo Municipal Code, Article 11-08.
3. 2024 Meeting Dates
4. Other Business
5. Adjourn – Next Meeting: November 28, 2023

Board of Adjustment meetings are broadcast live on cable channel TV Fargo 56 and can be seen live by video stream on www.FargoND.gov/streaming. They are rebroadcast each Tuesday at 9:00 a.m. for one month following the meeting.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.



PUBLIC WORKS OPERATIONS

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
FAX: (701) 241-8100

To: Michael Love, Chair – Board of Adjustment
From: Scott Liudahl, City Forester
Re: Land Management Plan – 338 9th Ave S
Date: 9/26/23

Chapter 11 of the Fargo Municipal Code requires property owners to remove noxious or other weeds, and to maintain the growth of grass so it does not exceed 8" in length. However, these requirements do not apply to a property where the owner or person in control of the property has applied for and obtained a land management plan/permit (LMP) from the city allowing grass growth to exceed 8" in length. This allows property owners the opportunity to promote native and other plants and grasses in their landscape, including pollinator gardens/plants, vs. traditional Kentucky blue grass.

This permit process includes:

- Written plan, and map, identifying the areas on the property
- Description of the plants
- Management and maintenance techniques to be utilized
- 200' mailing to adjacent owners – opportunity to appeal
- Agreeing to mow or cut if ordered to do so

After reviewing the information provided by the applicants at 340 9th Ave S, Darrell Ross and Kimberly Wallen (the adjacent property owners), the plan/permit has been approved. Per the notification process, one appeal was received.

Three years ago, knowing it was not their property but also knowing nothing was going to be done with it, Darrell and Kimberly contracted with MN Native Landscapes, formerly Prairie Restorations Inc., to install the prairie landscape on this piece of city property. Three years later, it is well established. Prior to proceeding with the LMP, this was discussed with public works and environmental health staff.

The attached information includes: related ordinance, approved LMP, supporting information provided by the applicant, site location, photos, and the appeal.

In working with Nancy Morris, an agreement has been developed, allowing Darrell and Kimberly to use and maintain the property. This agreement is currently working its way through the Public Works Project Evaluation Committee, and will go to city commission for final approval.

Suggested motion:

Support the approved land management plan/permit as presented, and deny the appeal.

Thank you.

LMP 338 9th Ave S BOA (projects-areas).doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
Watermeters
Watermain Distribution

11-0805. - Control of stagnant water, noxious or other weeds, tall grass.

No stagnant water shall be allowed to stand or remain, noxious or other weeds, or grass allowed to grow more than eight inches (8") in length upon or along the line of any railroad, street, highway, alley, public place, along or upon any vacant or other lot or real estate parcel, public or private, or other place within the city. For purposes of this article, "noxious weeds" shall mean any species of plant or vegetation recognized by the North Dakota State Weed Board as a noxious weed.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006), 5143 (2018).

11-0806. - Duty of property owners to control stagnant water, fill excavations, remove dirt piles, noxious or other weeds, tall grasses.

It shall be the duty of all property owners, occupants, or persons having control over private property to remove or drain stagnant water, to fill excavations, to remove dirt piles, to remove noxious or other weeds, and to maintain the growth of grass on such property so that it does not exceed eight inches (8") in length. These requirements apply to areas along and upon any railroad, street, highway, alley, public place or along or upon any vacant or other lot or place within the city.


Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006), 5143 (2018).

11-0807. - Failure to drain stagnant water, fill excavations, remove dirt piles, remove weeds, maintain grass.

Notice of a violation of this article shall be mailed to the record property owner as shown in the property tax records maintained in the city assessor's office, upon any agent of the property owner, and upon any occupant of the property when appropriate. The owner, agent, tenant or person in charge of the property shall take appropriate action to remove the stagnant water, fill excavations, remove dirt piles, fill holes or depressions, cut and/or keep down the growth of any noxious or other weeds, and maintain all grasses not to exceed eight inches (8") in height, as directed by the health department within the specified period of time. If the property owner, tenant, or agent fails to take such appropriate action within the time period as directed by the health department, the health department shall have authority to remove or drain off any stagnant water, fill all excavations, holes, or depressions, and cut or mow any noxious or other weeds and grasses.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006), 5143 (2018).

11-0808. - Control of noxious and other weeds, grass—exceptions to general requirements.



The requirements in this article requiring control of noxious and other weeds and grasses do not apply to property where the owner or person in control of the property has applied for and obtained a land management plan permit from the city allowing grass growth to exceed eight inches (8") in length.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0809. - Land management plan permit—Issuance.

To obtain a land management plan permit, the applicant must submit a written plan identifying the specific area where the plantings or grass is planned to exceed eight inches (8") in length, a statement of intent and purpose for the area, a drawing, plot plan and/or survey showing the location of the planting on the applicant's property, a detailed description of the plant types and plant succession involved, and specific management and maintenance techniques to be employed. The land management plan must include provisions for maintaining plantings at a length not to exceed eight inches (8") in the area between the sidewalk and the street, or a strip not less than fifteen feet (15') adjacent to the street where there is no sidewalk, as well as a strip not less than four feet (4') adjacent to neighboring property lines unless waived in writing by the abutting property owner on the side so affected. Any such waiver of the requirements shall be affixed to the application and plan. No area of city owned property within any street right-of-way may be included within a land management plan. This shall include the property between the sidewalk and the street and not less than fifteen (15) feet adjacent to the street where there is no sidewalk. As a condition of receiving approval of a land management permit, the applicant agrees and understands to mow or cut any grass or plantings when ordered to do so by the health officer or any other city official or designee thereof.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0810. - Permit application—Review.

An application for a land management plan permit shall be on a form provided by the city shall be submitted to the forestry department. A copy of the application shall be mailed to each of the owners of record, as listed in the office of the City Assessor, who are owners of the property situated in whole or in part within 200 feet of the boundaries of the properties affected. The application and any related information shall be considered by the city forester. The city forester shall have authority, after reviewing all appropriate materials and information, to approve or deny the application. An applicant who has had a permit denied or revoked, or an affected property owner in the event a permit is granted, may appeal the decision of the city forester to the board of adjustment. Such appeal must be made in writing within fifteen (15) days of the city forester's decision and shall be heard at a regular meeting of the board of adjustment.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0811. - Owner or occupant's responsibilities concerning land management plan.

An owner or occupant receiving a land management plan permit agrees to maintain any grass or plantings so as not to present hazards or to create a nuisance for adjoining properties, or to persons or vehicles traveling on the public ways. An owner or occupant receiving such permit also agrees to manage and maintain such grass or plantings such that they do not present a hazard to structures on affected land and to maintain such plantings as to enhance the appearance of the property on which they are located.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0812. - Authority of city to manage and control grass and plantings within an area included within a land management plan.

Notwithstanding issuance of a land management pan permit, the city may order the cutting of such grass or plantings included within a land management plan at any time the city determines that the growth may constitute a fire or safety hazard as to cause danger to the safety of the inhabitants of any residential structure on located on the premises or to the citizens and residents of the neighborhood. Any costs incurred by the city shall be charged to the owner, occupant, or person in control of the property as authorized under this article.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).



PUBLIC WORKS OPERATIONS

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Watermains & Hydrants
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FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1453
FAX: (701) 241-8100

Land Management Plan Application/Permit

Property owner, address(s), phone: Kimberly Wallin and Darrell Ross; 340 9th Ave S, Fargo, ND 58103; [REDACTED]
and [REDACTED]

Proposed location of landscape: 338 9th Ave S, Fargo, ND 58103

Date of application: 6/27/23

Intent and purpose of landscape: Restore native prairie vegetation by contract with Minnesota Native Landscapes (formerly Prairie Restoration Inc.) similar to the prairie along the bike path at intersection with 1st Ave N in downtown Fargo to provide habitat for birds, pollinators, and other

Types of plants/grasses to be used (Buffalo Grass, Blue Grama, etc). Include plant name and mature height: See attached plan prepared by Minnesota Native Landscapes.

Management and maintenance techniques to be utilized: In consultation with Minnesota Native Landscapes, we will do all activities that they recommend.

Attach diagram/plan:

Note: No area of city owned property within any street right-of-way may be included within a land management plan. This shall include the property between the sidewalk and the street and not less than fifteen (15) feet adjacent to the street where there is no sidewalk. As a condition of receiving approval of a land management permit, the applicant agrees and understands to mow or cut any grass or vegetation when ordered to do so by the health officer or any other city official or designee thereof.

A four (4) foot buffer adjacent to neighboring properties is required unless waived. Any writing by adjacent to neighboring property lines waiving the buffer zone must be attached to the application.

Approved / Denied - Inspector signature/date [Signature] 7/17/23

Applicant signature/date Kimberly Wallin Darrell Ross 6/27/23

Comments:

Owner at 340 9th Ave S shall be responsible for managing/removing designated ND Dept. of Ag. noxious weeds.

LMP1.doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
Watermeters
Watermain Distribution

Date: 10/13/2020

Proposal to Create a Native Landscape at the Ross Residence Fargo, ND

Prepared for:

Darrel & Kimberly Ross
340 9th Ave South
Fargo, ND 58103

Prepared by:

Blaine Keller
Site Manager
218-498-0260
bkeller@prairieresto.com

Project Area:

± 2000 square feet

Prairie Restorations, Inc. 

P.O. Box 1027
Hawley, MN 56549
www.prairieresto.com

A. Bidder Qualifications:

1. At least 5 years of experience planting native landscapes of similar size and scope to this project.
2. That the contractor's business specializes in native plant community restoration and ecologically based land management practices.
3. Assignment of a Qualified Project Supervisor capable of being present full time during all installation and maintenance work. Qualifications will include:
 - A bachelor's degree in Natural Resources Management or related field.
 - Minimum of five years experience in landscape restoration and maintenance supervision, with experience or training in prairie and wetland management, entomology, pest control, soils, fertilizers and plant identification.
 - Current herbicide and pesticide applicators license.
4. Assignment of a Qualified Labor Force thoroughly familiar and trained in the work.

B. Company Background:

Prairie Restorations, Inc. (PRI) has been dedicated to the restoration and management of native plant communities for over 40 years. We are fortunate to have worked with thousands of clients on a wide variety of projects in both the public and private sectors throughout the Upper Midwest.

The PRI staff currently consists of 54 full-time professionals and about an equal number of seasonal employees which operate out of six Minnesota locations. Most of the staff has B.S. degrees in natural resource related fields such as biology, forestry, horticulture or wildlife. As a full service restoration company, PRI is able to provide our clients expertise and service in all facets of native landscape restoration. Along with consulting, design, installation and land management services, we also produce our own local ecotype seed and plant materials which are used on all of our projects.

The PRI Team is committed to and passionate about protecting and enhancing our valuable natural resources. It is this dedication that is brought to each and every one of our projects. We are proud to offer the best expertise, services and products available in the industry and appreciate the opportunity to provide you with this proposal.

C. Site preparation:

1. In areas with actively growing vegetation apply a glyphosate herbicide (Roundup® or equivalent) as per manufacturer's directions. Allow a minimum of 10 days before disturbing the vegetation with other procedures.
2. Mow the dead vegetation and remove excess thatch as needed.
3. Harley rake the soil to remove thatch and create a smooth seedbed.
4. Hand rake the soil to create a firm, smooth seedbed.
5. Respray with a glyphosate herbicide (Roundup® or equivalent) if regrowth of vegetation occurs and when it reaches approximately 8" to 12" in height.

D. Seed and Seeding:

1. Seeding dates will be in the spring or summer before August 10th or in the fall between September 20th and freeze-up.
2. All seed will be applied by broadcasting.
3. A harrowing or raking will follow all grass seeding.
4. The seed mixes will consist of the following species and amounts:

Grass Seed	lbs./project area
PRI Short Dry Grass Mix:	
45% Little bluestem, 31% Side oats grama, 15% Blue grama, 6% Poverty oat grass, 3% June grass, all by PLS weight.	1
PRI Savanna Grass Mix:	
30% Little bluestem, 25% Side oats grama, 12% Poverty oat grass, 8% Big bluestem, 5% Canada wild rye, 4% Kalm's brome, 4% Bottlebrush grass, 4% Silky wild rye, 4% Indian grass, 2% Blue grama, 2% Fringed brome, all by PLS weight.	1

Note: A cover crop of oats will be sown along with the native grasses at a rate of approximately 25 lbs. per acre. Oats is an annual grass species that germinates quickly and will reduce the risk of soil erosion on the site.

Wildflower Seed

oz./project area

PRI Short Dry Wildflower Mix:

21% Purple prairie clover, 20% Hoary vervain, 18% Black-eyed Susan,
 16% Leadplant, 6% Golden Alexander, 4% Stiff goldenrod,
 3% Common milkweed, 3% White prairie clover, 3% Western spiderwort,
 2% Canada tick trefoil, 1% Yarrow, 1% Showy penstemon,
 1% Prairie rose, 1% Gray goldenrod, all by PLS weight.....8

PRI Savanna Wildflower Mix:

20% Purple prairie clover, 19% Hoary vervain, 16% Black-eyed Susan,
 12% Leadplant, 8% Common ox-eye, 7% Golden Alexander,
 5% Stiff goldenrod, 4% Canada tick trefoil,
 2% Common milkweed, 2% Wild bergamot,
 2% Prairie rose, 1% Yarrow, 1% Gray goldenrod,
 1% Western spiderwort, all by PLS weight8

E. Plants and Planting:

1. Optionally, the planting can be further diversified with wildflower and/or grass plants (plugs or 4 inch pots). These will be planted individually in appropriate microhabitats throughout, or in designated areas of the project. The plants used will consist primarily of species other than those previously seeded.
2. From the following list a minimum of 6 species will be used.
3. Plant a total of * seedlings, *% of which will be grasses, sedge or rushes (graminoids), and *% of which will be wildflowers (forbs). The plants will have an approximate spacing of * inches on center.
4. Plant a total of 90 plugs.

Wildflowers

Columbine (*Aquilegia canadensis*)
 Purple coneflower (*Echinacea purpurea*)
 Northern bedstraw (*Galium boreale*)
 Prairie smoke (*Geum triflorum*)
 Meadow blazing star (*Liatris ligulistylis*)
 Dotted blazing star (*Liatris punctata*)
 Pale lobelia (*Lobelia spicata*)

Wild lupine (*Lupinus perennis*)
 Meadow rose (*Rosa blanda*)
 Upland goldenrod (*Solidago ptarmicoides*)
 New England aster (*Symphyotrichum novae-angliae*)
 Azure aster (*Symphyotrichum oolentangiense*)
 Golden alexanders (*Zizia aurea*)

F. Management:

1. Management (maintenance) plays a vital role in the eventual success of any native landscape installation, especially during the establishment period. Active management of your native landscape is highly recommended to give the project the best opportunity for long term success.
2. Due to nature of this project, the maintenance requirements are somewhat different when compared to larger, seeded restorations. These “garden-like” sites are best maintained utilizing hand weeding techniques accomplished by personnel adept at identifying native and non-native plants.
3. As the project matures, some herbicide may be used as well to eradicate perennial invasive species such as Canada thistle or bird’s foot trefoil. The herbicide is typically applied via backpack sprayer or by “wicking” the herbicide onto the plant.
4. Hand weeding and spot herbicide treatments are billed on a per trip cost agreed upon prior to the growing season.
5. Prescribed burns are extremely helpful in that they stimulate native species to grow more robustly. The burning also helps to deter the presence non-native species.
6. In lieu of burning, or during years when the site is not burned, a Spring Dormant Mowing can be used to “clean up” the previous year’s growth and set the table for the new growing season. This mowing would occur early in the spring, as soon as conditions permit.

G. Anticipated Management:

The following table conveys the anticipated management procedures for your project during the first 3 growing seasons. Estimates for these procedures are provided in the cost section of this proposal.

Year	Projected Management Procedures
2021	Complete site mowings to control annual weed canopy (2 or 3 mowings as needed). Project monitoring
2022	Complete site mowing Integrated Plant Management (IPM) – includes spot spraying, spot mowing, wicking, hand weeding, and other techniques to control weeds and invasive species (3 to 4 visits are typical) Project monitoring
2023	Spring burn to encourage native plant growth and to help deter the presence of non-native and woody species. Integrated Plant Management (IPM) – 3 to 4 visits are typical Project monitoring

H. Costs:

Site preparation (includes spraying, tillage, respraying)	\$ 1,500
Seed, seeding and mulching as specified.....	\$ 1,000
Wildflower seedlings (90 installed)	\$ 225
Germination year management (includes 3 visits)	\$ 300

I. Contract:

If you accept the proposal as written and want to proceed with the project, please sign the contract below.

Owner: _____ Date: _____

Signed: _____ Title: _____

Project: _____ Contract Value: \$ _____

Contractor: *Prairie Restorations, Inc.*

Signed: *Blaine Keller* Date: 10/13/2020

Blaine Keller –Site Manager
Prairie Restorations, Inc.
P.O. Box 1027
Hawley, MN 56549

A 20% down payment is required at this time. Please return a copy of the signed contract, along with payment for 20% of the total project cost. The remainder of the contract will be billed upon completion.

J. Notes: Please note that this proposal is valid for 3 months (from the date on the proposal). If the proposal is accepted after the 3 month period, PRI reserves the right to modify the proposal based on cost fluctuations and material availability.



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

338 9th Ave S

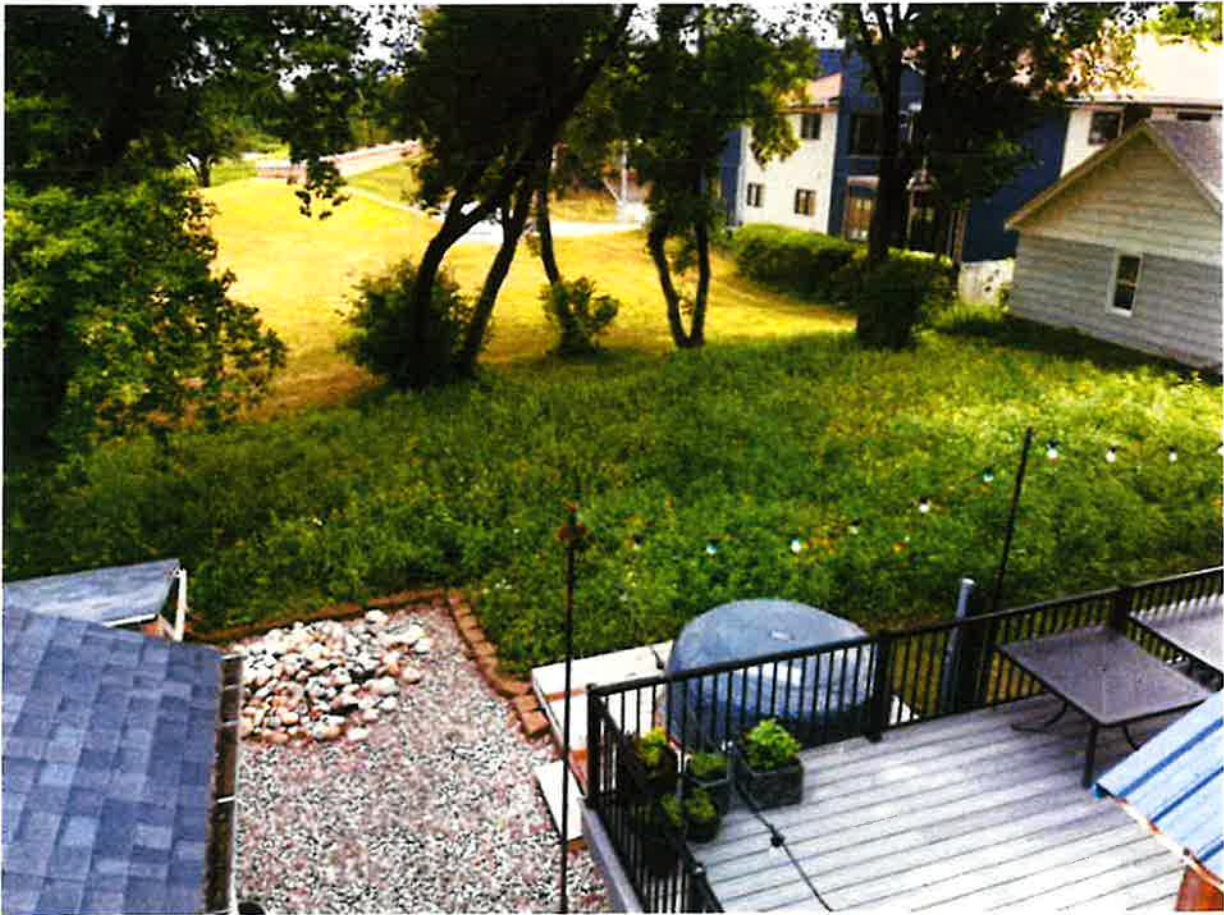
1:1,128

7/12/2023 11:46 AM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.









PUBLIC WORKS OPERATIONS

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
FAX: (701) 241-8100

July 17, 2023

Dear property owner,

Your neighbor at 340 9th Ave S has applied for a Land Management Permit (LMP). This permit has been approved.

The LMP and related city ordinance (11-0805 through 11-0812) is intended for property owners who choose to go with a "not so traditional" landscape. Tall grasses, wildflowers, mulch, and a variety of trees and shrubs can be included. There are rules and regulations in place to help monitor this type of landscaping.

The attached material and application outlines the intent, purpose, types of plants, and maintenance strategies. Please review and comment if you wish.

Affected property owners may appeal this decision. The appeal must be made in writing **within 15 days** of the date that the permit is approved. Mail (please notify me as well) any written appeal you wish to make to:

City of Fargo
Board of Adjustment
Attention: Kim Citrowske
225 4th St N
Fargo, ND 58102

Please feel free to contact me if you have any questions. Thank you.

Scott Liudahl
Fargo Forestry Department
402 23rd St N, Fargo, ND 58102
701-241-1466
sliudahl@fargond.gov

LMP approval 340 9th Ave S.doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
Watermeters
Watermain Distribution

SL received 8/11/23
email version on 8/8/23

City of Fargo
Board of Adjustment

225 N 4 Street

Attn: Kim Citrowske

Fargo, ND 58102

Cc: Scott Luidahl

Fargo Forestry Dept

402 23 st N

Fargo, ND 58102 sliudahl@fargond.gov

This is In PROTEST and response to WEED PATCH that has been installed 3 years ago by residence at 340 9 ave So Fargo, ND.

10 residents in this area are protesting this weed Patch.,

1. This property does not belong to resident at 340 9 ave so. Therefore they have no right to establish use of this land.
2. This land is owned by City of Fargo or Dike Project.
3. All 10 residents have lived in this area for 30 – 40 years and have always had a well maintained area and are demanding that this be continued.
4. This weed patch was planted by non owners, to stop anyone from coming near their patio, which is their lot line.
5. This weed patch is a safety hazard and a environmental tragedy . Noxious weeds are rampant and need immediate removal.
6. This WEED Patch has devalued our property since prospective buyers are asking what type of ghetto this area has turned into.
7. This WEED PATCH had a rope tied to City Property so people would stay OUT !!!
8. This WEED PATCH approval was back dated!! This appears to be inside political favoritism.
9. The Shack that resident at 340 9 ave So needs to be removed., No garage or shack of any sort can be installed in back of residence. All residents in area are upset that personal junk is visible. JUNK NEEDS To be installed inside owners property.
10. Protesting also that other residents tax dollars are being spent to pay for WEED PATCH .


- 11. 10 residents are demanding that WEED PATCH be removed immediately and trees trimmed to eliminate hiding spots for vagrants looking for a place to camp and expose their their body which is in full view of other members of community.**
- 12. Please ensure prompt and courteous removal of all of the above.**

Sincerely


10 community residents and TAX Payers

Please respond ASAP

327 10 Ave S
Fargo, ND 58103

FARGO, ND 581
8 AUG 2023 PM 1 L


Scott Lindahl
Freeting Street.
402 23 St. No.
Fargo, ND 58102

58102-411402




Kim Citrowske

From: Scott Liudahl
Sent: Thursday, October 19, 2023 7:32 AM
To: 'Marilyn Seitz'
Cc: Kim Citrowske
Subject: RE: weed patch on 9 ave so.Fargo

Thanks Marilyn.

Scott

From: Marilyn Seitz
Sent: Wednesday, October 18, 2023 12:48 PM
To: Scott Liudahl <SLiudahl@FargoND.gov>
Subject: weed patch on 9 ave so.Fargo

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Scott ,
pLEASE add these items to my complaint letter.
This weed patch has not been maintained
1. weed patch is supposed be cut down in spring not done
2. weed patch is supposed to be sprayed not done until weeds were 6ft tall.
3. weed patch is supposed to be burned at end of growing season. not done plus better not start a fire in a residential area.
Please add to my letter.
thank you,
marilyn seitz


 Virus-free. www.avg.com

Photo dated 10-19-2023. Most plants are beginning to go dormant now.





PLANNING & DEVELOPMENT



FARGO CITY HALL
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: Planning@FargoND.gov
FargoND.gov

MEMORANDUM

TO: CITY COMMISSION

DATE: NOVEMBER 9, 2023

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR *ke for NC*

RE: DOWNTOWN IN FOCUS TAKE ACTION UPDATE PRESENTATION

In 2016, Interface Studio was hired to facilitate a comprehensive planning process for downtown which was adopted in 2018. After five years, the City hired Interface Studio in February 2022 to assess operational process, data and confirm goals and targeted engagement, pandemic impact and Downtown Community Partnership alignment with the Downtown InFocus. An implementation plan has been created following extensive stakeholder outreach and coordination to identify step-by-steps for implementation.

Scott Page with Interface Studio will be in Fargo to provide an overview presentation of the implementation plan, Downtown InFocus Take Action 2023.





35

November 13, 2023

To: Board of City Commissioners
Fr: Michael Redlinger, City Administrator
Re: Noise & Vibration Study Final Report & Presentation (RFP 23066)

Introduction

On May 30, 2023, the City Commission authorized City staff to proceed with a Noise & Vibration Study with Veneklasen Associates, Inc. The goal of the Noise & Vibration Study was to provide a comprehensive, credible data set from which existing City Ordinance(s) could be modified and recommendations for new regulations could be made regarding amplified sound in the downtown area.

Study Overview

The City's Noise & Vibration Study contractor, Veneklasen Associates, Inc. collected data from July 13 to July 29, 2023 in downtown Fargo. A combination of long-term locations on rooftops were selected, along with short-term measurements recorded at ground level locations during the measurement periods. The contractor was intentional in collecting summertime data when more individuals are typically outdoors or have windows open at residential and commercial buildings. The sound monitoring was supervised by Veneklasen's on-site employees and utilized acoustical equipment provided by the company to perform the work.

Final Report & Presentation

Mr. Stephen Martin, Veneklasen Associates, Inc. will be present to provide an in-depth review of the Final Report. Within this Final Report are the following: Measurement Survey; Analysis Results; Measurement Locations; and Downtown Fargo Noise Contour Maps at various heights.

Recommended Action: No recommended action. This presentation is for informational purposes and future policy consideration.

Attachment: Veneklasen Associates, Inc. Final Report



September 29, 2023

City of Fargo

City of Fargo Auditors Office, 1st Floor
 225 4th Street North
 Fargo, North Dakota 58102

Attention: Chris Helmick | Project Representative
 Tanner Smedshammer

**Subject: Noise and Vibration Study; Fargo, North Dakota
 Measurement Survey and Analysis Results
 Veneklasen Project No. 8391-001**

Dear Chris:

Veneklasen Associates, Inc. (Veneklasen) was contracted to conduct noise measurements, employ computer noise modeling techniques, and provide support to the City of Fargo in the revision of its noise ordinance code to alleviate noise complaints in the Downtown District along Broadway North. We conducted measurements of noise levels during both daytime and nighttime hours to establish ambient noise levels as well as the noise levels when street performances, vendors, and/or amplified sound equipment were in operation. These measurements were carried out at designated locations along Broadway N within the Downtown District area. This report presents a summary of our findings. A list of acoustical terms and their definitions is presented in Appendix A.

Applicable Noise Standards

The following exterior noise standards, found in the City of Fargo Noise Control Ordinance (Chapter 11), unless otherwise specifically indicated, currently apply to all property within the Downtown Business District and all residential zoning districts:

Table 1. Limiting Noise Levels for Zoning Districts

Time	Residential	Commercial	Industrial
Daytime - Maximum number of decibels permitted: 6:00 a.m. to 10:00 p.m., Monday through Thursday 6:00 a.m. to 11:00 p.m. on Friday 7:00 a.m. to 11:00 p.m. Saturday 7:00 a.m. to 10:00 p.m. on Sunday	55	65	80
Nighttime - Maximum number of decibels permitted: 10:00 p.m. to 6:00 a.m. Sunday evening through Friday morning 11:00 p.m. to 7:00 a.m. Friday evening through Sunday morning	50	60	75

Additionally, Item 11-0203 states the following:

The standards which shall be considered in determining whether a violation of § 11-0202 exists shall include, but shall not be limited, to the following:

- A. *The volume of the noise.*
- B. *The intensity of the noise.*
- C. *Whether the nature of the noise is usual or unusual.*
- D. *Whether the origin of the noise is natural or unnatural.*
- E. *The volume and intensity of the background noise, if any.*
- F. *Within the Downtown Business District and all residential zoning districts, the following noises between the hours of 10:00 p.m. and 6:00 a.m. Sunday evening through Friday morning and 11:00 p.m. and 7:00 a.m. Friday evening through Sunday morning are specifically prohibited:*

1. *Radios, tape players or other sound amplifiers, whether portable or installed in vehicles, at a level which can be heard by a person more than 10 feet away from said vehicle or amplifier.*
2. *Any horn, bell or other noise-making device except burglar alarms or similar emergency warning devices.*
3. *Shouting or yelling where the voice is clearly audible at a distance of more than 10 feet.*

Measurement Survey Summary

Noise in Downtown Fargo was measured at eight (8) long-term locations on rooftops along Broadway N within the Downtown District area throughout the week between the dates of July 13, 2023, to July 29, 2023. A second set of short-term measurements were recorded at ground level monitoring locations during the critical measurement periods and the 10 pm/11 pm time-period at which time the noise ordinance prohibits amplified sound (Friday-Saturday 11:00 pm) These short-term measurements were conducted over four days: on July 14 and on July 27th, 28th, and 29th, and occurred between 6:00 pm and 11:15 pm. During these sessions, each of the 8 locations were assessed at 5-minute intervals, which was synchronized with our long-term monitoring locations, as well as measuring multiple noise sources at reference distances. Noise levels were measured second by second during the daytime and nighttime hours for seventeen (17) consecutive days to establish the ambient noise levels and the noise levels when street performances, vendors, and/or amplified sound equipment was in use. The monitoring equipment used for this project was Bruel & Kjaer (B&K)-2250 and B&K-2270 Sound Level Meters, and the software used for analysis was B&K BZ-5503 Measurement Partner Suite. The measurement locations for the long-term (LT) and short-term (ST) measurements are indicated in Figure 1, while Figure 2 indicates the location of various sound sources identified during the measurements.

A summary of Veneklasen's measurements including measured noise levels and sound sources is shown in Table 2.

Analysis

The measured sound level data from Downtown Fargo was utilized to calibrate a computer noise model of the area surrounding Downtown Fargo to model noise levels. Veneklasen employed the SoftNoise Predictor-LimA noise modeling software to compute the dispersion of sound from Downtown noise sources into neighboring areas. This calculation was based on sound level data gathered from a total of eight (8) rooftop locations and eleven (11) ground-level locations situated throughout Downtown Fargo. The computer noise model included the effect of terrain and buildings. The resulting Downtown Fargo noise contour map is shown in Figure 3 below for the 2-meter height, and the noise contours for heights of 2 m, 6 m, 10 m, 14 m, and 18 m are included in Appendix B.

The noise contours for Downtown Fargo are shaded from 0 dBA to 90 dBA Leq with darker blue representing higher noise levels from 85 to 90 dBA Leq. The map displays four areas in dark blue where the noise level reached between 85 and 90 dBA Leq: near the Jasper Hotel across from LT-4 with sound sources SS-5, SS-10, SS-18, and SS-25; Broadway Square with sound sources SS-11, SS-17, and SS-26; near Royal Jewelers across from LT-8 with sound source SS-12; and the 400 block of Broadway N near LT-2 with sources SS-2 and SS-23. There are five locations showing medium blue, which represent 80 to 85 dBA at SS-1, SS-6, SS-13 SS-14, and SS-22 near Cowboy Jack's, District 64, and Old Broadway. The noise levels at SS-4, SS-8, SS-9, SS-15, SS-16, SS-19, SS-20, SS-21, SS-24, SS-27 and SS-28 reached between 70 to 80 dBA Leq. The main source of noise at locations SS-1, SS- 21, SS-22, was primarily music coming from Cowboy Jacks across the street. Another similar noise source was at SS-6, and SS-13 which had District 64 playing music. Sound source locations: SS-11, SS-17, and SS-26, had the loudest noise source coming from Broadway Square. At the remaining locations, SS-2, SS-20, SS-21 SS-23, SS-3, SS-4, SS-9, SS-19, SS-24, SS-5, SS-10, SS-18, SS-25, SS-7, SS-14, SS-15, SS-28, SS-8, SS-12, SS-16, and SS-27, the primary noise source was street performers.

The primary noise source in Downtown Fargo appeared to be caused by outdoor street performances.

Figure 1. Measurement Locations in Downtown Fargo

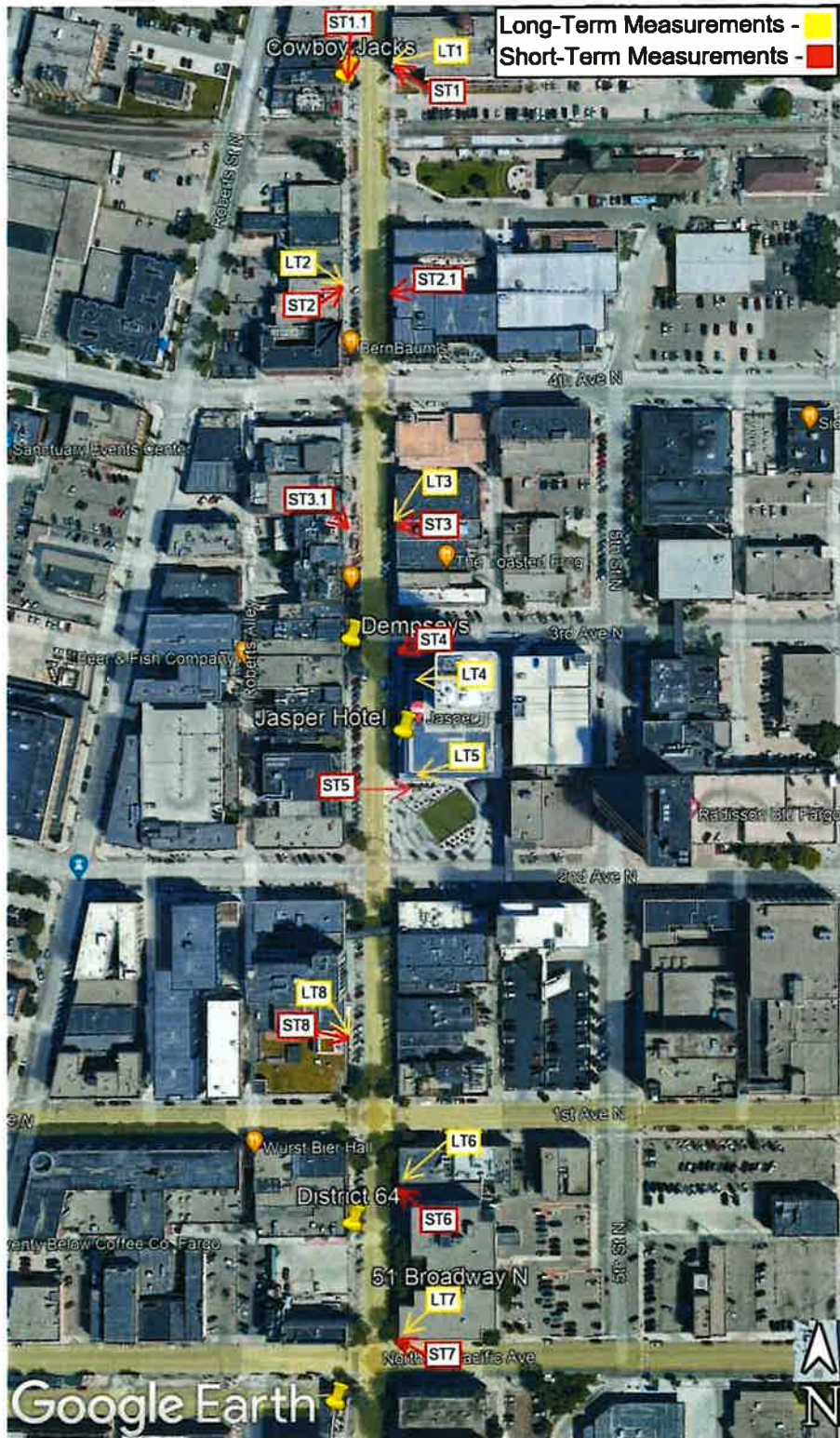


Figure 2. Sound Source Locations in Downtown Fargo

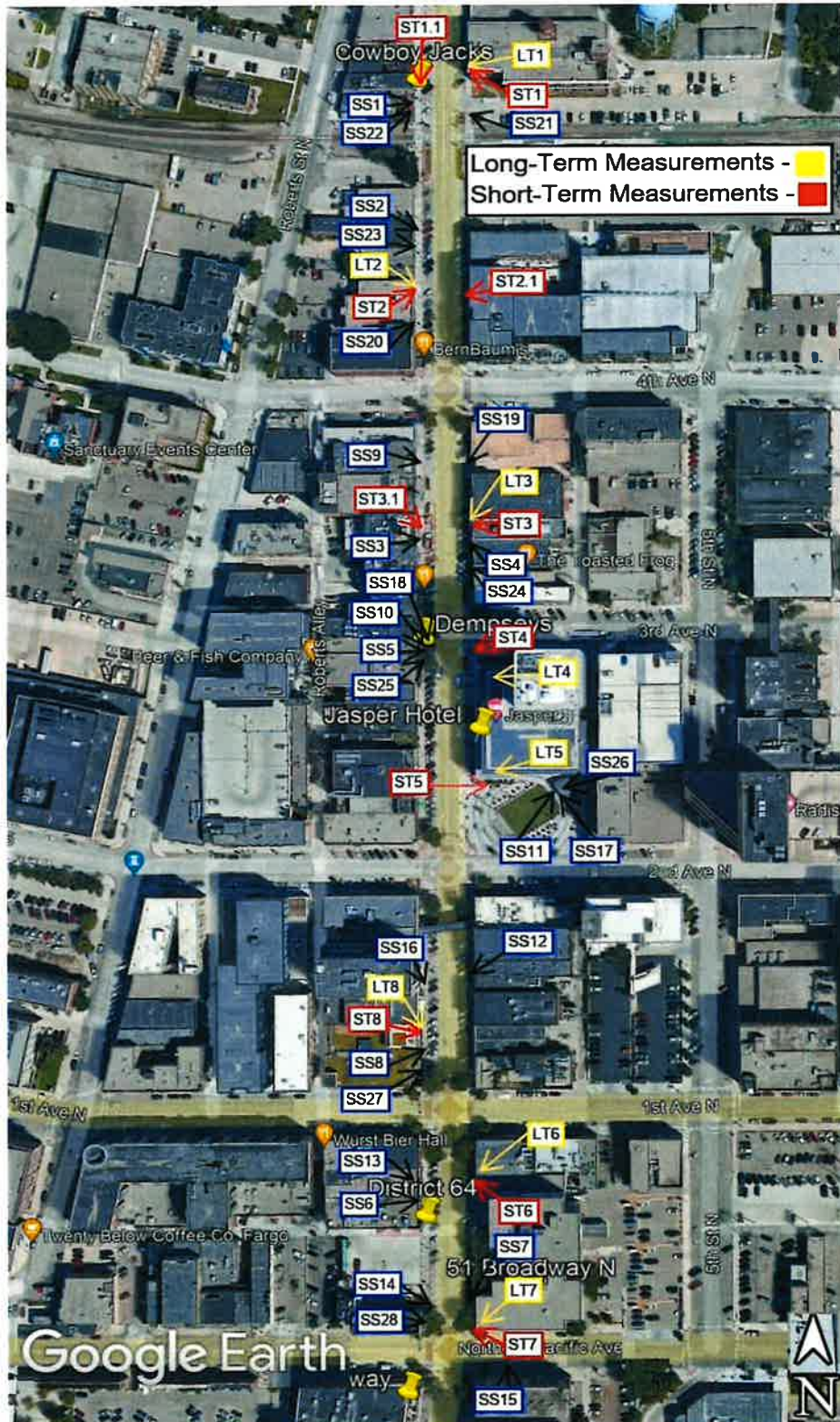




Table 2. Comparison of Noise Measurements

Date	Time (PM)	Measurement Location	Measured Noise Level (dBA)	Measurement Location	Measured Noise Level (dBA)	Distance (ST to Source)	Sound Source #	Sound Source
7/14/2023	9:30	LT-1	66	ST1.1	65.1	40 ft	SS-1	Cowboy Jacks
7/14/2023	9:45	LT-2	62.8	ST-2.1	62.8	75 ft	SS-2	Street Performer
7/14/2023	9:50	LT-3	62.2	ST-3.1	61.7	15 ft	SS-3	Street Performer
7/14/2023	10:05	LT-3	61.9	ST-3	60.8	75 ft	SS-4	Street Performer
7/14/2023	10:35	LT-4	70.3	ST-4	65.2	75 ft	SS-5	Street Performer
7/14/2023	10:45	LT-6	73.4	ST-6	69.7	85 ft	SS-6	District 64
7/14/2023	10:55	LT-7	69.5	ST-7	66.3	75 ft	SS-7	Street Performer
7/14/2023	11:10	LT-8	66.8	ST-8	70.9	75 ft	SS-8	Street Performer
7/27/2023	6:20	LT-3	61.9	ST-3	57.5	75 ft	SS-9	Street Performer
7/27/2023	6:30	LT-4	70.3	ST-4	57.4	75 ft	SS-10	Street Performer
7/27/2023	6:40	LT-5	72.4	ST-5	65.3	115 ft	SS-11	Broadway Square
7/27/2023	6:45	LT-8	71.5	ST-8	58.9	75 ft	SS-12	Street Performer
7/27/2023	6:50	LT-6	73.4	ST-6	72.1	85 ft	SS-13	District 64
7/27/2023	7:00	LT-7	69.5	ST-7	62.1	75 ft	SS-14	Street Performer
7/28/2023	6:00	LT-7	69.5	ST-7	72.9	75 ft	SS-15	Street Performer
7/28/2023	6:20	LT-8	71.5	ST-8	63.1	75 ft	SS-16	Street Performer
7/28/2023	6:30	LT-5	72.4	ST-5	73.8	115 ft	SS-17	Broadway Square
7/28/2023	6:40	LT-4	70.3	ST-4	61.4	75 ft	SS-18	Street Performer
7/28/2023	6:50	LT-3	61.9	ST-3	65.5	75 ft	SS-19	Street Performer
7/28/2023	7:00	LT-2	70.3	ST-2	70.9	50 ft	SS-20	Street Performer
7/28/2023	7:05	LT-1	59.0	ST-1	55.9	60 ft	SS-21	Cowboy Jacks
7/29/2023	6:00	LT-1	71.8	ST-1	65.0	75 ft	SS-22	Cowboy Jacks
7/29/2023	6:15	LT-2	70.3	ST-2	70.9	50 ft	SS-23	Street Performer
7/29/2023	6:25	LT-3	61.9	ST-3	61.0	75 ft	SS-24	Street Performer
7/29/2023	6:35	LT-4	70.3	ST-4	61.0	75 ft	SS-25	Street Performer
7/29/2023	6:45	LT-5	72.4	ST-5	73.8	115 ft	SS-26	Broadway Square
7/29/2023	6:55	LT-8	71.5	ST-8	62.7	75 ft	SS-27	Street Performer
7/29/2023	7:10	LT-7	69.5	ST-7	68.1	75 ft	SS-28	Street Performer

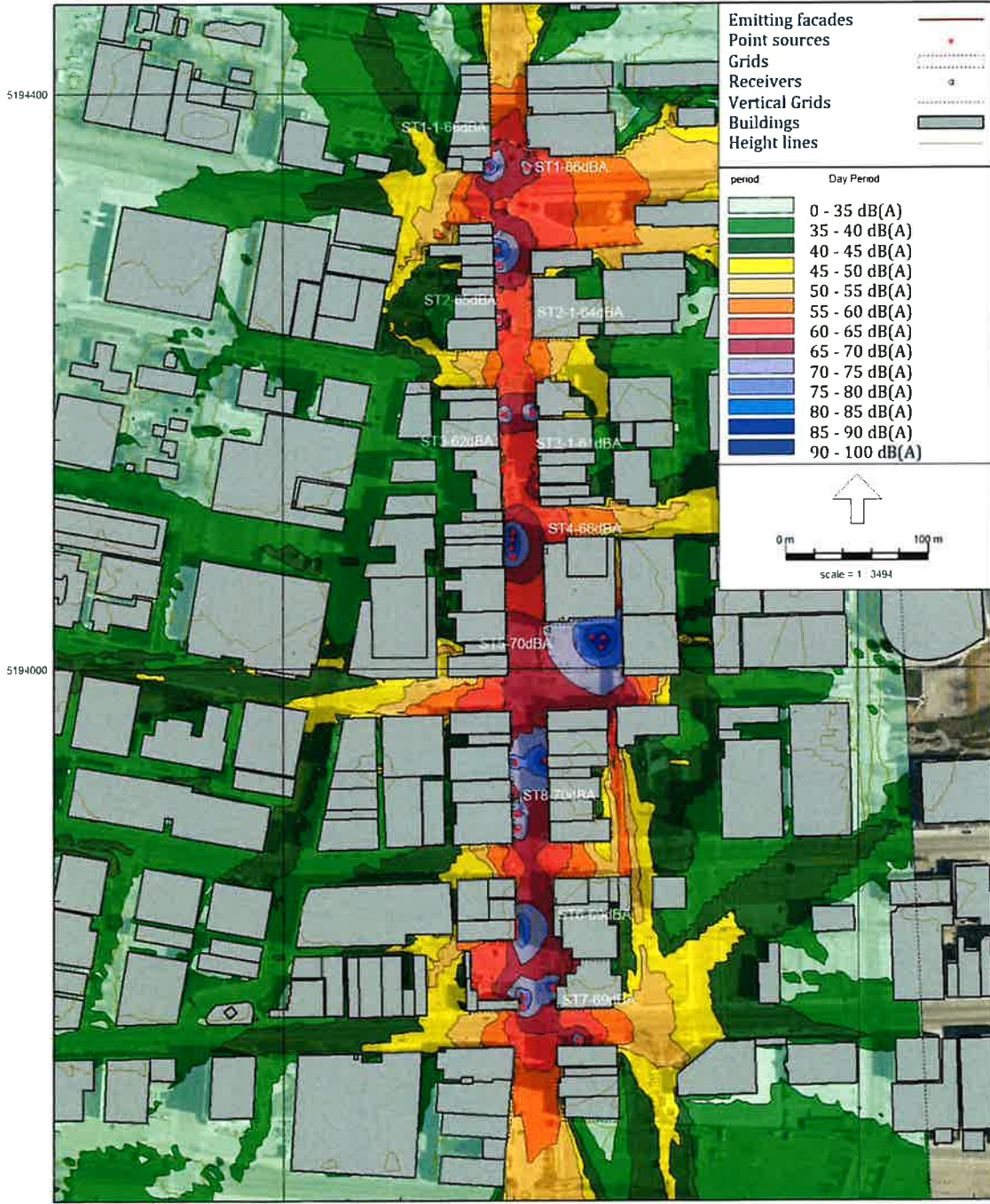
Note: Short-term (ST) measurements and Long-term (LT) measurement were not always equidistant from the noise source.

Figure 3. Downtown Fargo Leq Noise Contours at 2m Height

ST Locations- City Model Broadway Avenue-2 M Height

Veneklasen Associates, USA

17 Sep 2023, 21:05



668400 668800
LrrA - ISO 9613, |City of Fargo Scenano 2023 - ST & LT Locations- City Model Broadway Avenue-4th update (Calibration with receiver level) 20230831|, Predictor V2023 Licensed to Veneklasen Associates, USA

Our noise measurement period corresponded with several noise complaints received from the public. These complaints can be used to assist in determining noise levels which caused the complaint, and this information can be used in evaluating if the complaint is valid and to help determine revisions to the noise code. These complaints are listed in Table 3 with the analysis results.

Table 3 – Public Noise Complaints Received During the Measurement Period

Date (2023)	Day of Week	Time	Address	Complaint	Result	Measured dBA	Data LT#	Probable Source	Probable Distance (feet) from Source to Complaint	Probable Distance (feet) from Source to LT	Probable dBA at Complaint Location
7/15	Saturday	23:58	400 Broadway	General noise complaint.	No action taken.	78	LT-2	People or Loud exhaust	25	100	84
7/17	Monday	23:34	200 Broadway West Alley	Anonymous call about “loud people” in the alley.	Nothing found upon arrival	Closest noise monitor LT-5 was located on the east side of Broadway N. Noise source was located on west side of 200 Broadway building in the alley. Noise from complaint is not predictable due to acoustic shielding provided by 200 Broadway between noise source and the noise monitor.					
7/23	Sunday	22:36	226 Broadway	Street performer playing guitar with amp.	Officer arrived at 11:30 pm. No Street Performer present.	66	LT-4	Street performer with guitar and amp	100	110	67
7/28	Friday	21:06 22:11	300 Broadway	Street performer playing guitar with amp.	Officer observed the street performer at 11:03 pm. Performer warned about the ordinance and stopped playing.	67 67	LT-3	Street performer with guitar and amp	121	180	70 70
7/29	Saturday	19:55	222 Broadway	Street performer with guitar and amp.	Gone by the time the officer arrived.	67	LT-4	Street performer with guitar and amp	96	100	67
7/29	Saturday	23:04	400 Broadway	*Called again to let us know that there was a lot of noise outside from people & motorcycles.	No action taken.	69	LT-2	People or Loud exhaust	25	100	83

* - Same complainant as 7/15.

Table 3 summarizes the complaints received during the measurement period of July 13 through July 29, 2023. These complaints were analyzed to determine the measured noise level at the closest long-term (LT) noise monitor, the distances from the probable sound source to the LT noise monitor, and the probable distance from the probable sound source to the complainant. These distances are estimated as Veneklasen personnel were not present to establish the exact locations of the sound sources. These factors were used to determine the probable noise level reaching the complainant location, shown in the final column of the table.

The 7/15 complaint occurred during the Downtown Street Fair, which had many people walking the street and several electric generators running throughout the day and night. The measured noise level at LT-2 measured 78 dBA which is significantly high, and our predicted noise level at the complaint location is 84 dBA. The 7/29 complaint is similar and came from the same complainant due to people and motorcycles. The measured noise level was 77 dBA, also significantly high, and our predicted noise level at the complaint location is 83 dBA.

The 7/23, 7/28, and 7/29 complaints are similar as they regard street performers. The maximum noise level measured prior to receiving the complaints measured 66 dBA and 67 dBA, and our estimated noise level at the complaint locations are 67 dBA to 70 dBA. Each of these estimated noise levels exceed the allowable 65 dBA daytime noise level found in the Fargo noise ordinance, and when the estimated distance from the sound sources are 100 feet or greater, the noise levels at 50 feet away, which is a typical distance between properties, exceeds 70 dBA.

A review of multiple noise ordinances from various jurisdictions indicates that most jurisdictions specifying noise level limits for various zoning areas limit noise levels in commercial areas to 65 dBA Leq during daytime hours and 60 dBA Leq during nighttime hours. Several jurisdictions limit the noise level in commercial areas to 60 dBA Leq or L_{50} , while a few require the entire jurisdiction to meet residential noise limits of 55 dBA daytime and 50 dBA nighttime. With this information on other jurisdiction noise ordinances, and as the current City of Fargo noise ordinance limits commercial noise levels to 65 dBA daytime and the complaints received during our measurement period indicate the complaints due to street performances occurred when the probable noise level at the complainant location exceeded 65 dBA, the current noise ordinance for the City of Fargo appears to be a proper noise level. This noise level limit is not too high, as other jurisdictions have the same commercial noise level limits, and not too low, as complaints did not occur during this noise study period until the noise level exceeded the 65 dBA limit.

We can review other noise ordinance options used by jurisdictions where statistical sound levels as described in Appendix A are used for measured sound levels occurring 30 minutes in an hour (L_{50}), with separate noise level limits for sound levels occurring 15 minutes in an hour (L_{25}), 5 minutes during an hour ($L_{8.3}$), and so forth. These sound limits assist with controlling varying sound levels with high sound level peaks.

Recommendations

Reducing high noise levels in a downtown area near residential dwellings can significantly improve residents' quality of life. Mitigating high noise levels from a combination of sources including people playing music with amplifiers, loud cars and motorcycles, and bars and restaurants in a downtown area with residences can be a complex challenge. As the City considers addressing the Downtown District noise issues, we have listed several elements reviewed by many jurisdictions for consideration in implementing a comprehensive approach to controlling noise. We list below various elements that cities we have worked with have employed, and the City can select the strategies that apply and/or make sense. We understand that some have been ruled out by City officials, but as the City tightens the noise ordinance and its enforcement, some future consideration may be in order.

1. **Noise Ordinances and Regulations:**
 Enforce strict noise ordinances that cover amplified music, vehicle noise, and noise from bars and restaurants. Set specific noise level limits for different times of day, with lower limits during nighttime hours. Impose fines and penalties for noise violations. Our study is designed to aid in the revision of the code, making it compliant with enforceable standards. We aim to assist in transforming the existing code into one that can be legally enforced. These measures aim to strike a balance between accommodating necessary activities and preserving the well-being and comfort of the community. Enforcement can be applied using hand-held sound level meters, several permanent 24/7 noise monitors with alert capabilities, or a combination of both.
2. **Zoning and Land Use Planning:**
 Update zoning regulations to separate residential areas from noisy commercial and entertainment districts where possible and require upgraded construction to include soundproofing in the building design for

housing within the Downtown District to reduced noise transmitted to the interior and for new venues to reduce noise transmitted outside. Establish buffer zones wherever possible to limit noise intrusion into residential neighborhoods. Encourage responsible urban planning by considering the separation of residential zones from bustling commercial and entertainment districts whenever feasible, with an emphasis on modern construction practices that incorporate soundproofing into building designs within the Downtown District. This approach not only enhances the acoustic comfort of interior spaces but also curtails noise pollution emanating from new venues, preserving the tranquility of surrounding areas.

3. Traffic Management:

Where traffic noise is present, implement traffic calming measures like speed limits, speed bumps, and roundabouts to reduce vehicle noise. Implement rigorous inspections to ensure that vehicles, especially motorcycles and cars with modified exhaust systems, adhere to these standards. Penalize non-compliance to deter the use of excessively loud exhausts.

4. Amplified Music Permits:

Require permits for outdoor events with amplified music, specifying volume limits and event duration. Limit the hours during which amplified music is allowed in outdoor spaces near residential areas. These permits serve as a means of regulating such events, requiring organizers to adhere to predefined volume limits and event duration restrictions. By stipulating these parameters, local authorities can exercise greater control over outdoor gatherings, allowing for the enjoyment of music and festivities while safeguarding the acoustic tranquility of residential neighborhoods.

5. Outdoor Sound Limiters:

Require bars and restaurants and other permanent amplification systems like Broadway Square with outdoor seating to install sound limiters that automatically reduce music volume when it exceeds allowable levels. These sound limiters serve as proactive tools, automatically reducing music volume when it surpasses permissible levels. By implementing this requirement, we aim to strike a balance between vibrant entertainment offerings and the acoustic well-being of nearby residents, ensuring that noise remains within acceptable boundaries.

6. Public Education:

Conduct public awareness campaigns to educate residents and businesses about noise regulations and the importance of being considerate neighbors. These campaigns offer a platform to enlighten residents and businesses alike about the intricate details of noise regulations, ensuring clarity and understanding of the rules in place. Furthermore, public awareness campaigns promote compliance with noise regulations, making them a valuable tool in promoting a more peaceful and cohesive neighborhood.

7. Enforcement and Penalties:

Ensure consistent and rigorous enforcement of noise regulations, with penalties for violators. Balancing the vibrancy of a downtown area with the peace and well-being of residents requires a multi-faceted approach. Collaboration among residents, businesses, and local authorities is essential to create an environment where everyone can coexist harmoniously.

Once the noise ordinance is revised per Recommendation #1 and City officials are convinced it provides the proper sound level limits in the downtown area, enforcement can be established using a handheld sound level meter and/or long-term permanent noise monitors. These devices can range from \$500 to \$3,500 for the handheld meter and up to \$8,000 for the permanent noise monitor with text/email alerts. A variation of these sound level meters is illustrated in the photos below. We can assist the City with selecting the proper instrumentation applicable to the revised noise ordinance and the sound level metrics used for limiting sound levels.



While recommendation #2 above does not solve the immediate problem, it will provide future benefits as the downtown area continues to buildup. To ensure effective noise prevention in future construction projects, it is imperative to focus on the insulation and composition of the composite building exterior. Windows should have a minimum Sound Transmission Class (STC) rating of 35 to 38, which will contribute significantly to creating quieter and more comfortable living and working spaces inside and outside these finished buildings. Exterior doors need to be solid wood core doors or sound-rated metal doors, both with good perimeter sealing. Optimal noise reduction can be achieved by constructing exterior walls using materials such as brick, stucco, or wood siding, while ensuring they are equipped with adequate insulation and the appropriate number of interior wallboard layers. By implementing these measures, we can proactively address noise concerns and enhance the overall quality of the built environment.

Other recommendations above can be considered for additional future benefits if they fit the City's needs, even if some have already been ruled out.



Summary

The presence of street performers using amplifiers, live presentations and bands performing at Broadway Square, and the noise from loud motorcycles and vehicles with modified exhaust systems have consistently caused several locations along Broadway in downtown Fargo to surpass the approved noise limits of 65 dB during the day and 60 dB at night. As the buildup of the Downtown District has created some of these noise issues, addressing these issues requires the implementation of effective noise mitigation strategies. One critical step involves revising and strengthening noise ordinance laws to include provisions City officials believe to be credible without being overly conservative to stifle the downtown nightlife but strict enough to provide downtown residents with adequate background noise levels to allow them to enjoy their living spaces. Our analysis indicates the current noise level limits for the commercial area of the downtown area of 65 dBA L_{eq} daytime and 60 dBA L_{eq} nighttime are appropriate.

This noise study provides insight into the current noise exposure of the downtown area and the noise sources contributing to the overall noise levels. With this information the current code and zoning ordinances can be reviewed and revised as needed to assist in enforcement to provide the proper downtown noise levels.

Sincerely,
Veneklasen Associates, Inc.

A handwritten signature in black ink that reads 'Stephen A. Martin'.

Stephen A. Martin, Ph.D., P.E.
Associate Principal
Director, Environmental Acoustics

A handwritten signature in black ink that reads 'Joe Zev'.

Joe Zev
Associate

Appendix A. Definitions of Acoustical Terms

Term	Definition
Decibel (dB)	A unit describing the amplitude of sound in a logarithmic ratio to a reference value.
A-weighted Decibels (dBA)	A filter applied to sound pressure levels in decibel to simulate the response of the human ear at the threshold of hearing. A-weighting de-emphasizes the low frequency components of a sound similar to the human ear at these levels. This metric has been closely tied to subjective reactions of annoyance to noise, and is used as a noise metric in this and in many other environmental acoustics reports. In this report, all dBA levels reported refer to the sound pressure level, referenced to 20 μ Pa
Sound Pressure Level (SPL or L_p)	The amplitude of sound compared to the reference value of 20 μ Pa. Sound Pressure Level is what we perceive as audible sound. Sound Pressure Level decreases as distance from the source to the receiver increases. All sound values discussed in this report refer to Sound Pressure Levels.
Sound Level Percentile (L_n)	Also referred to as a “statistical sound level”, L _n refers to the noise level that is exceeded for nth percent of a given measurement period. For example, L ₅₀ refers to the noise level that is exceeded for 50% of a measurement period, i.e. 30 minutes out of an hour. These metrics can be used to evaluate noise levels that are apparent for a given period of time at a measurement location.
Maximum Sound Level (L_{max})	The maximum instantaneous sound level, regardless of duration. These sound levels fluctuate greatly over short periods of time, and are generally used to evaluate audibility of acoustical events.
Ambient Noise Level	The baseline noise level to which proposed or atypical sound levels are compared to. The ambient noise level is measured in the same location as the location noise exposure is to be analyzed for an assessment, without the source of the assessment operational. For the purposes of this study, the ambient noise level refers to the existing noise level at a location while a special event at Cielo Farms is not occurring.



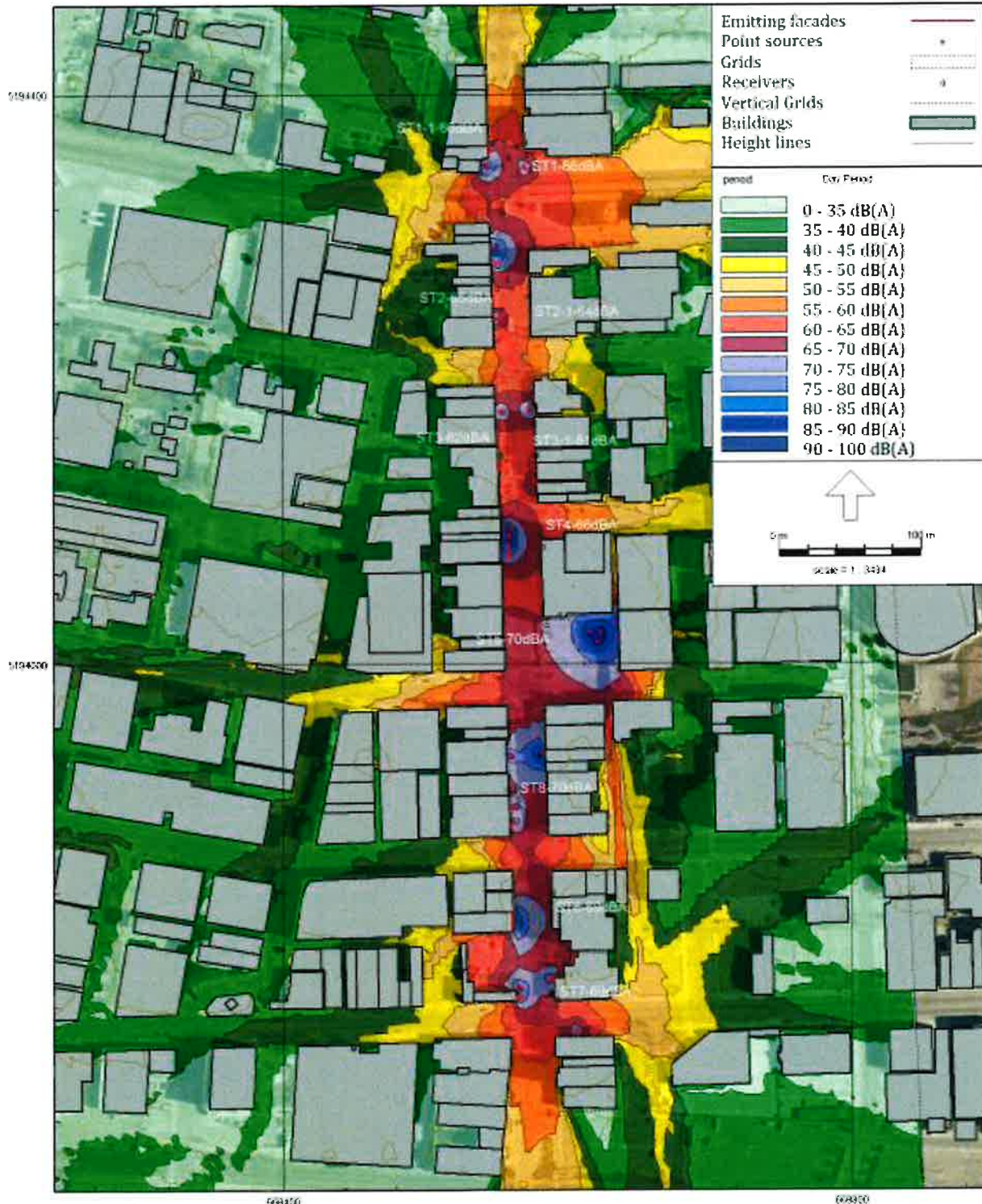
APPENDIX B

Fargo Downtown L_{eq} Noise Contours at 2 Meter Height

ST Locations- City Model Broadway Avenue-2 M Height

Veneklasen Associates, USA

17 Sep 2023, 21:05



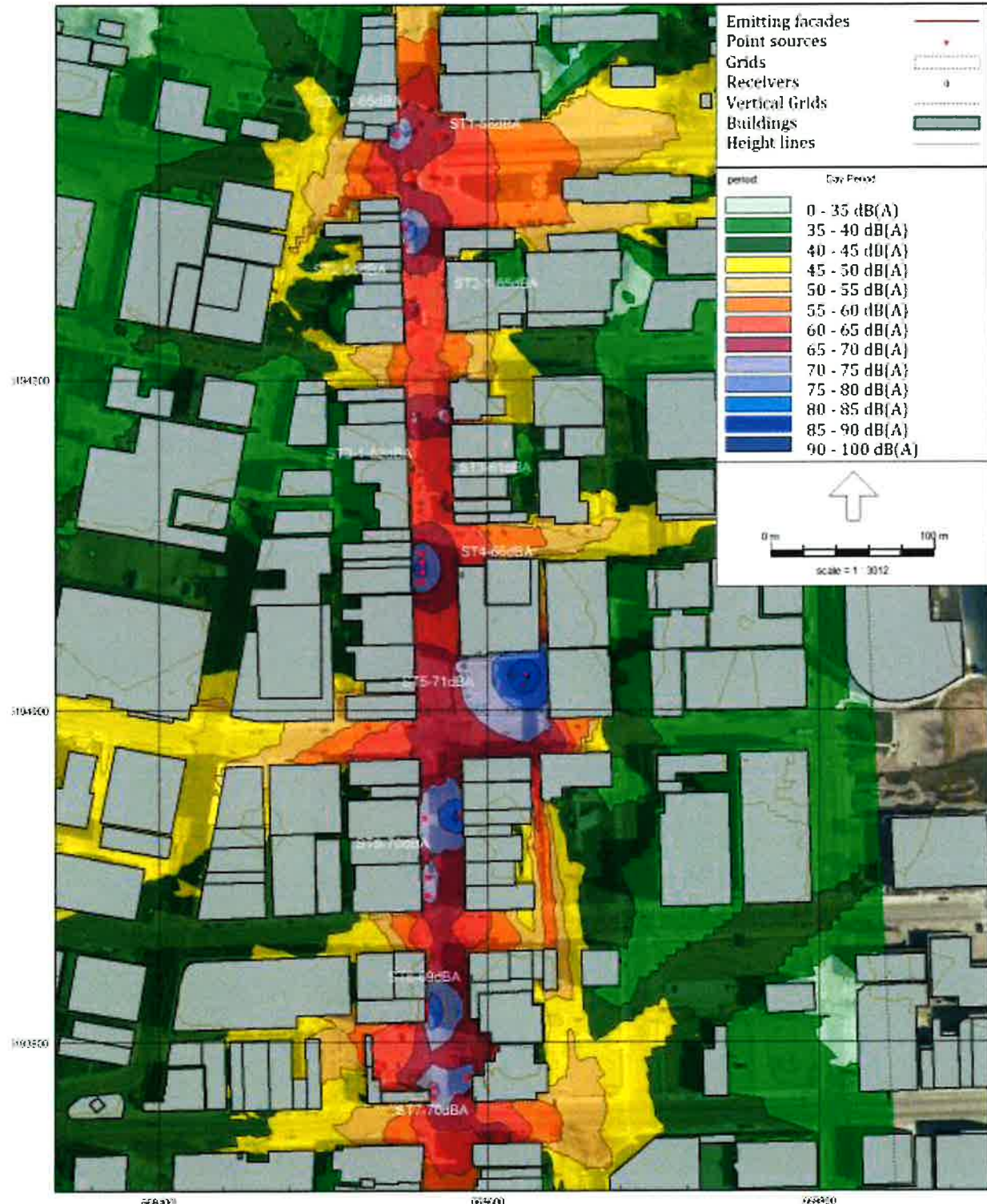
Env. Associates, Inc. (City of Fargo Scenario) 2023 - ST & LT Locations- City Model Broadway Avenue (4th update (Calibration with receiver level) 20220331), Predictor V2020. Licensed to Veneklasen Associates, USA

Fargo Downtown Leq Noise Contours at 6 Meter Height

ST Locations- City Model Broadway Avenue-6m Height

Veneklasen Associates, USA

18 Sep 2023,



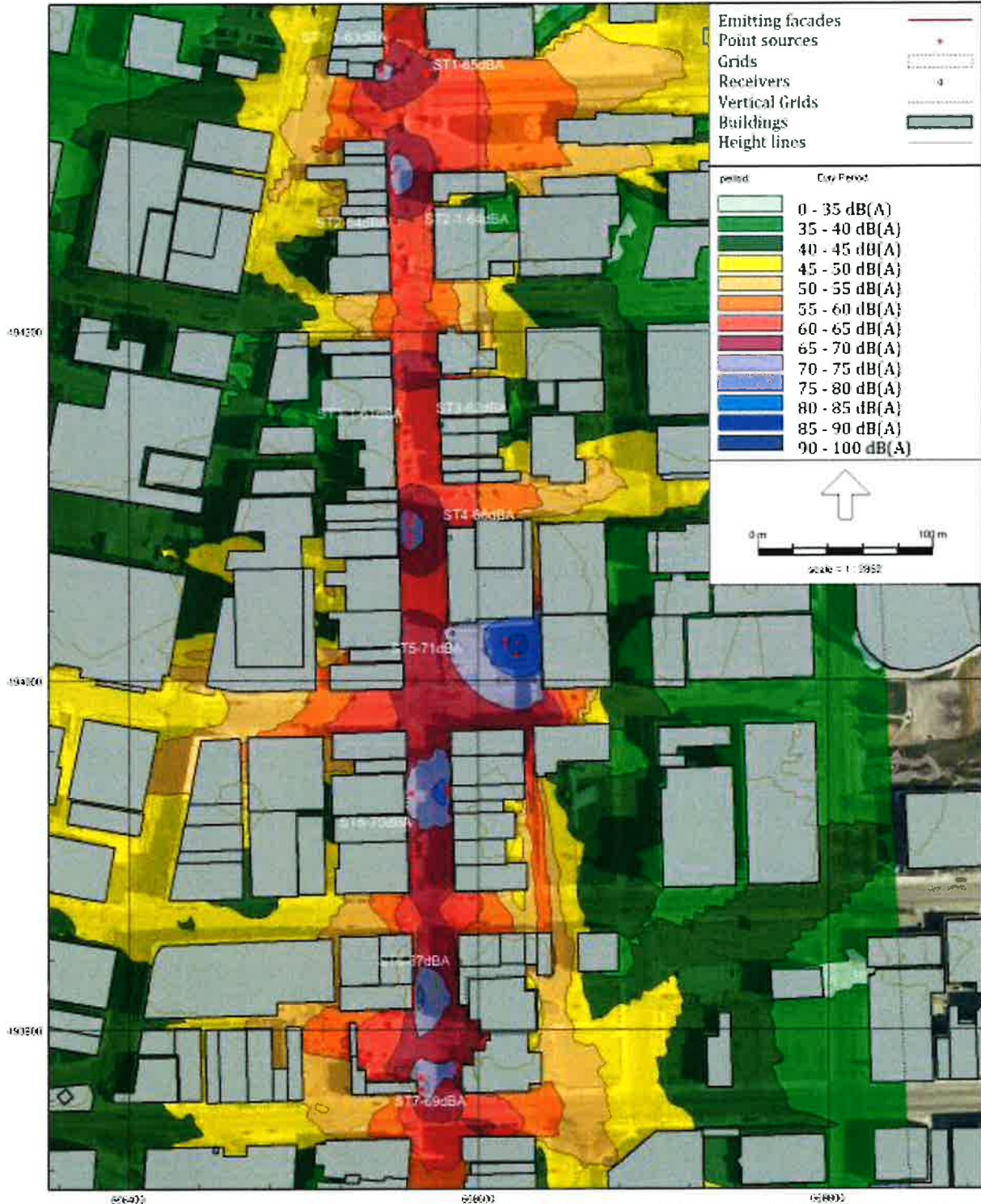
LeqA - ISO 6613, Day of Fargo, Scenario 2025 - ST & LT Locations - City Model Broadway Avenue (4th Update 0m) (Calibrated with Red level) 20230921 | Predictor V2020 Licensed to Veneklasen Associates, USA

Fargo Downtown Leq Noise Contours at 10 Meter Height

ST Locations- City Model Broadway Avenue-10m Height

Veneklasen Associates, USA

17 Sep 2023,



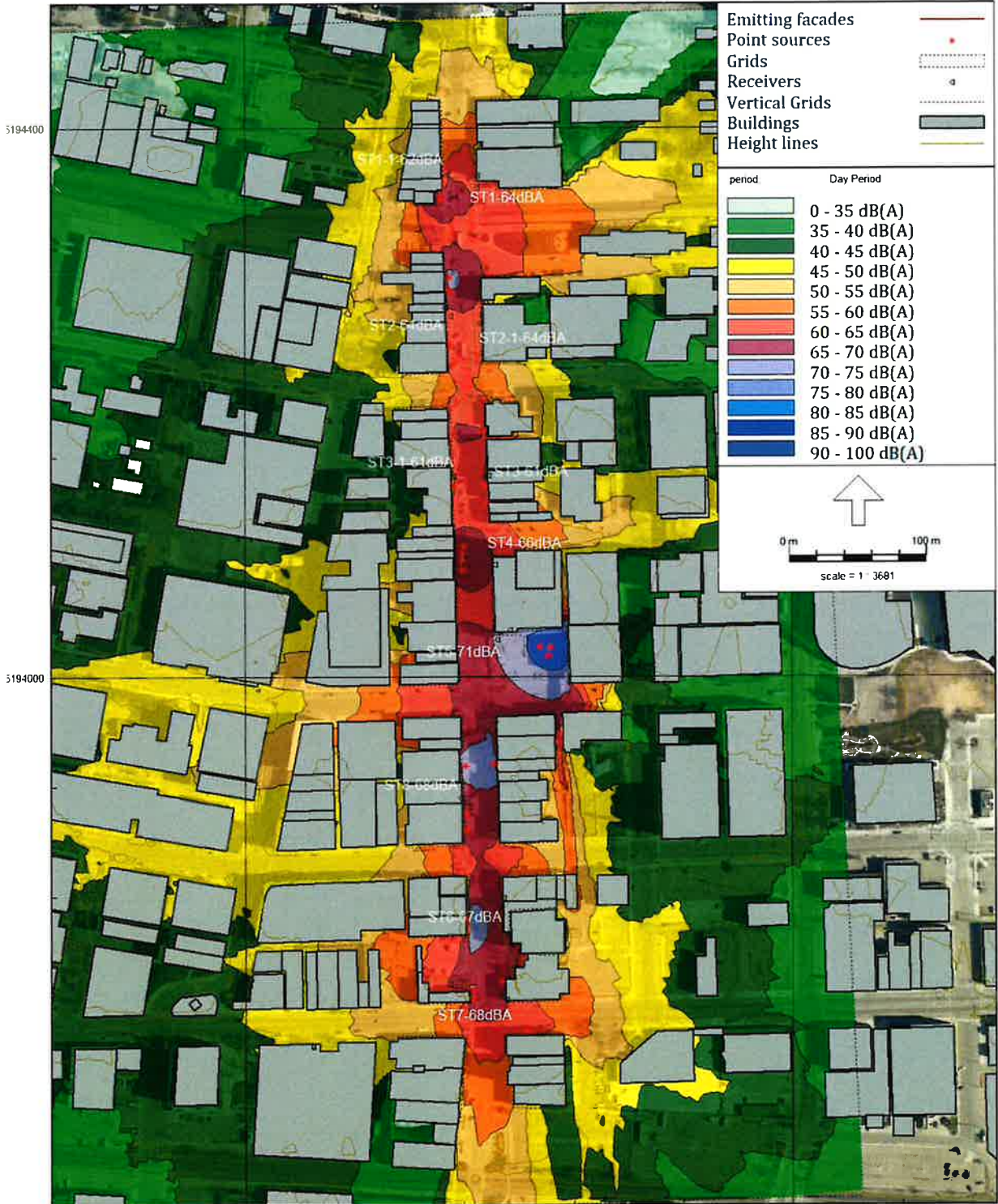
Uma - ISO 9613, (City of Fargo Geoserv) 2020 - ST & LT Locations- City Model Broadway Avenue (with update 10mm) (Calibrated with Rec Level) 2023(931) - Fredrick V2023 Licensed to Veneklasen Associates, USA

Fargo Downtown Leq Noise Contours at 14 Meter Height

ST Locations- City Model Broadway Avenue-14 m Height

Veneklasen Associates, USA

17 Sep 2023,



668400 668800
 Lm(A) - ISO 9613, [City of Fargo Scenario 2023 - ST & LT Locations- City Model Broadway Avenue-4th update 14m- (Calibrated with Rec. level) 20230831], Predictor V2023 Licensed to Veneklasen Associates, USA

Fargo Downtown L_{eq} Noise Contours at 18 Meter Height

ST Locations- City Model Broadway Avenue - 18 m Height
18 Sep 2023,

Veneklasen Associates, USA



UMA - 1870 9611, City of Fargo Scenario 2023 - ST & LT Locations- City Model Broadway Avenue-18m (Updated 18m) (Collaborated with Rec level (20230621), Predicted 2023 licensed to Veneklasen Associates, USA



November 8, 2023

Honorable Board of City
Commissioners
City of Fargo
Fargo, North Dakota

Re: Draft Recommendations for Federal and State Aid Transportation Project
Applications Years 2024 to 2028

I would like to bring this item forward to begin the discussion on these unfunded projects. I plan to bring this in front of you twice before we submit to Metro COG on November 30. This year we will be bringing all the Federal and State projects to PWPEC and the City Commission at one time instead of multiple times like we did during the last solicitation cycle.

Metro COG and the NDDOT are currently soliciting project applications for a number of programs. The programs are as follows:

2024 & 2025	NDDOT Flex Fund projects	\$42M Statewide
2026 & 2027	Transportation Alternatives Program	\$850K Locally
2026 & 2027	Carbon Reduction Program	\$1.1M Locally
2027	Urban Grant Program (Downtown projects) -	\$4.5M Statewide
2028	Urban Regional Program (10 th /University, 52 nd Ave S, Main Ave & 19 th Ave N)	Competes Statewide
2028	Surface Transportation Block Grant (STBG)	\$10.5M Locally
2028	Highway Safety Improvement Program	Competes Statewide
2028	Highway/Rail Crossing Safety Program	\$1M Competes Statewide

Included as part of the NDDOT Flex Fund application is the following:

Does it Support Economic Development?

Does it Improve Safety?

Does it Support Complete Streets?

Does it Improve Multi-Modal transportation infrastructure?

Does it Improve a roadway restriction? (either height or weight)?

Is it innovative?

We think that the NP corridor is primed for such a project.

Please take a look at the attached map and spreadsheet showing our list of unfunded projects that we believe should move forward to receive either Federal or State Funds. There are more project needs than there is funding, but this list shows our needs and what funding is necessary for them moving forward.

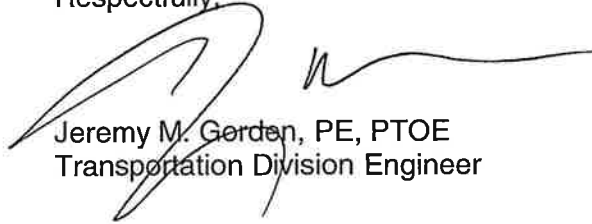
We currently have the North Broadway Bridge receiving \$5.4M in Federal Aid in 2026, and in 2027 we have the pedestrian bridge over the Red River at 40th Avenue South receiving \$4.1M as well as the reconstruction of 17th Avenue South between University and 25th Street receiving \$6.3M. If the decision is made to not replace the Broadway Bridge, the 17th Avenue South project could move to 2026, and a \$6.3M gap would be created in 2027. It would be up to the Metro COG Policy Board to decide what project would go into that gap.

I look forward to a good discussion on these projects and ideas.

Recommended Motion:

None expected until November 27 meeting.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jeremy M. Gordon', is written over the typed name and title.

Jeremy M. Gordon, PE, PTOE
Transportation Division Engineer

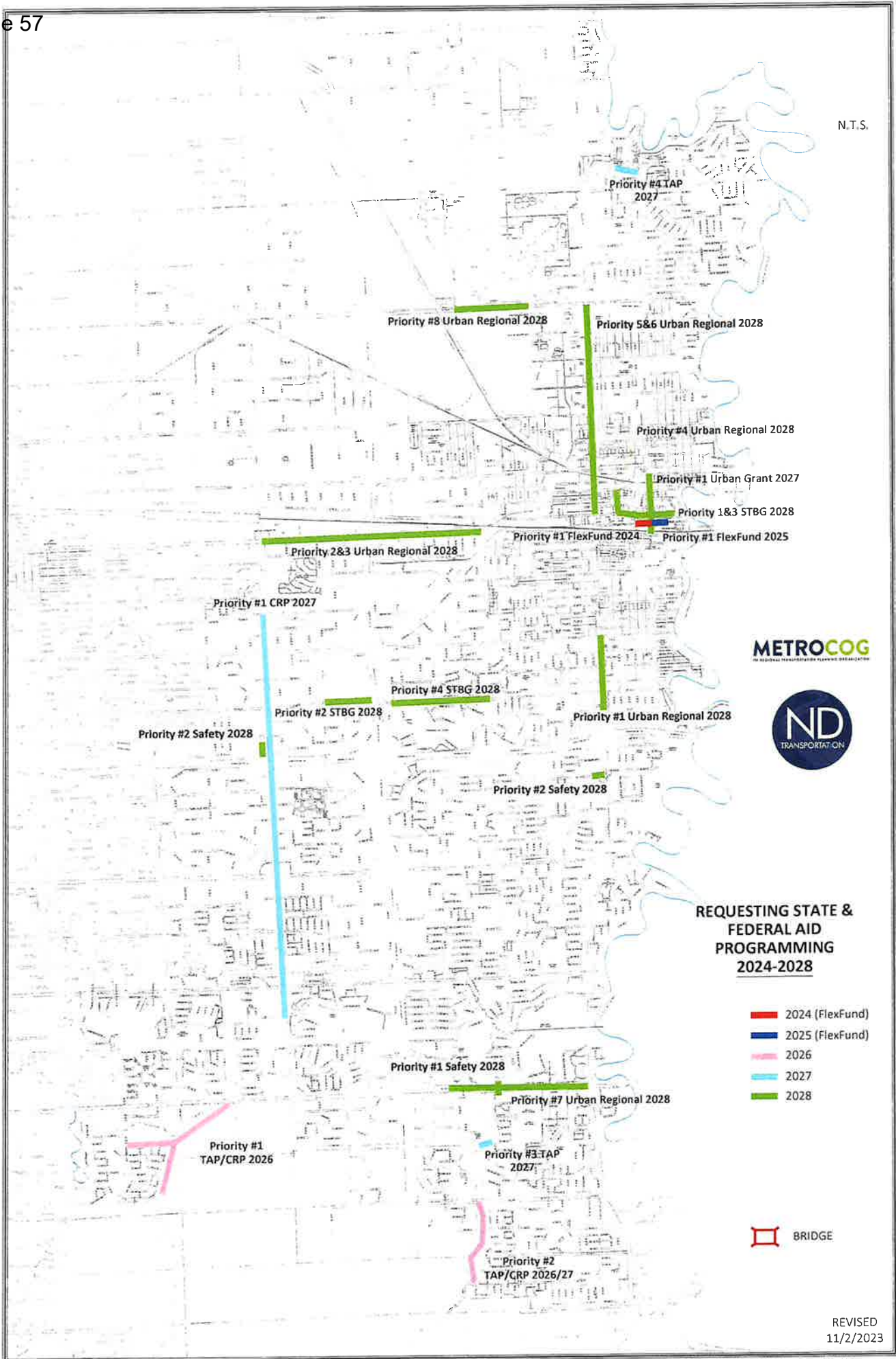
Attachments

PROJECT SUBMITTAL LIST

Entity: City of Fargo		Contact Person: Jeremy Garden								
Date: November 2, 2023		Phone Number: 241-1529								
FISCAL YEAR	FUNDING CATEGORY ⁽¹⁾	FUNCTIONAL CLASSIFICATION ⁽²⁾	INVESTMENT STRATEGY ⁽³⁾	RECOMMENDED AS PART OF A STUDY?	PROJECT LOCATION	PROJECT CONSTRUCTION COST				
						TOTAL	FEDERAL	STATE	LOCAL	NON-PARTICIPATING
2028	STBG	Minor Arterial	Recon	Yes	1st Ave N - 3rd St to Roberts St	\$ 13,634,516	\$ 7,810,388	\$ -	\$ 1,952,597	\$ 3,871,531
2028	STBG	Collector	Recon	Yes	17th Ave S - 38th St to 42nd St	\$ 10,697,617	\$ 7,178,641	\$ -	\$ 1,794,660	\$ 1,724,315
2028	STBG	Minor Arterial	Recon	Yes	1st Ave N - Roberts St to 10th St	\$ 9,799,808	\$ 5,613,716	\$ -	\$ 1,403,429	\$ 2,782,663
2028	STBG	Collector	Recon	Yes	17th Ave S - 25th St to 35th St	\$ 16,893,952	\$ 11,043,940	\$ -	\$ 2,760,985	\$ 3,089,027
						\$ 51,025,893	\$ 31,646,685	\$ -	\$ 7,911,671	\$ 11,467,536
2026	TAP	NA	New	Yes	Drain 27/Deer Creek Shared Use Path	\$ 1,473,863	\$ 1,179,090	\$ -	\$ 294,773	\$ -
2026	TAP	NA	New	Yes	Drain 53 - 64th Ave S to 73rd Ave S Shared Use Path	\$ 825,318	\$ 660,254	\$ -	\$ 165,064	\$ -
2027	TAP	NA	New	Yes	Low Level Pedestrian/Bicycle Crossing - Drain 53	\$ 938,821	\$ 751,057	\$ -	\$ 187,764	\$ -
2027	TAP	NA	New	No	New Path south of Water Reclamation Campus - 10th St to Broadway	\$ 370,000	\$ 296,000	\$ -	\$ 74,000	\$ -
						\$ 3,608,002	\$ 2,886,401	\$ -	\$ 721,601	\$ -
2028	HSIP	Minor Arterial	Minor Rehab	Yes	Installation of RCUT on 52nd Ave S at 27th Street	\$ 1,100,000	\$ 880,000	\$ 110,000	\$ 110,000	\$ -
2028	HSIP	Collector	Minor Rehab	Yes	Pedestrian Safety Project - University Drive at 25th Ave S	\$ 685,344	\$ 548,275	\$ -	\$ 137,069	\$ -
2028	HSIP	Major Arterial	Major Rehab	No	Addition of a Southbound Auxillary lane on 45th St at I-94 North Ramp	\$ 735,035	\$ 588,028	\$ -	\$ 147,007	\$ -
						\$ 2,520,379	\$ 2,016,303	\$ 110,000	\$ 394,076	\$ -
2026	Carbon Reduction	NA	New	Yes	Drain 27/Deer Creek Shared Use Path	\$ 1,473,863	\$ 1,179,090	\$ -	\$ 294,773	\$ -
2026	Carbon Reduction	NA	New	Yes	Drain 53 - 64th Ave S to 73rd Ave S Shared Use Path	\$ 825,318	\$ 660,254	\$ -	\$ 165,064	\$ -
2027	Carbon Reduction	Major Arterial	New	Yes	Adaptive Traffic Signal Control Corridor - 45th Street - 15 Intersections for 5 years	\$ 1,500,000	\$ 1,200,000	\$ -	\$ 300,000	\$ -
						\$ 3,799,181	\$ 3,039,344	\$ -	\$ 759,837	\$ -
2028	Urban Regional	Major Arterial	Recon	Yes	University Drive S - 13th Ave S to 18th Ave S	\$ 31,305,383	\$ 19,565,241	\$ 2,445,655	\$ 2,445,655	\$ 6,848,830
2028	Urban Regional	Major Arterial	CPR	NA	Main Ave - 25th St to I-29	\$ 8,638,529	\$ 6,910,823	\$ 863,853	\$ 863,853	\$ -
2028	Urban Regional	Major Arterial	CPR	NA	Main Ave - I-29 to 45th St	\$ 8,748,872	\$ 6,999,098	\$ 874,887	\$ 874,887	\$ -
2028	Urban Regional	Major Arterial	Recon	Yes	10th St - NP Ave to 4th Ave N	\$ 10,385,485	\$ 5,879,338	\$ 658,910	\$ 726,472	\$ 3,120,764
2028	Urban Regional	Major Arterial	Recon	Yes	University Drive N - 12th Ave N to 19th Ave N	\$ 19,875,332	\$ 11,321,439	\$ 1,268,818	\$ 1,398,917	\$ 5,886,157
2028	Urban Regional	Major Arterial	Recon	Yes	University Drive N - 1st Ave N to 12th Ave N	\$ 17,242,934	\$ 11,677,803	\$ 1,308,756	\$ 1,442,951	\$ 2,813,422
2028	Urban Regional	Major Arterial	CPR	NA	52nd Ave S - I-29 to University Drive	\$ 11,921,170	\$ 9,536,936	\$ 1,192,117	\$ 1,192,117	\$ -
2028	Urban Regional	Major Arterial	Recon	Yes	19th Ave N - Dakota Drive to 18th Street	\$ 14,704,862	\$ 9,586,670	\$ 1,074,398	\$ 1,184,563	\$ 2,859,230
						\$ 122,822,567	\$ 81,477,348	\$ 9,687,394	\$ 10,129,415	\$ 21,528,403
2027	Urban Grant	Collector	Major Rehab	No	Broadway Brick Replacement and ADA Upgrades	\$ 3,411,612	\$ 2,729,289	\$ -	\$ 682,322	\$ -
2024	FlexFund	Collector	Recon	Yes	NP Ave - Broadway to 8th Street	\$ 5,584,826	\$ -	\$ 4,100,645	\$ 1,484,181	\$ -
2025	FlexFund	Collector	Recon	Yes	NP Ave - Broadway to 4th Street	\$ 8,935,801	\$ -	\$ 6,156,322	\$ 2,779,479	\$ -
						\$ 14,520,627	\$ -	\$ 10,256,967	\$ 4,263,660	\$ -
						TOTAL	FEDERAL	STATE	LOCAL	NON-PARTICIPATING

Notes Description
 (1) PnR = Primary Regional, SecR = Secondary Regional, URP = Urban Roads Program, TA = Transportation Alternatives, INT = Interstate, BR = Bridge
 (2) Interstate, Principal Arterial, Minor Arterial, Collector
 (3) PM = Preventive Maintenance, MR = Minor Rehabilitation, SI = Structural Improvement, MaR = Major Rehabilitation, N/R = New/Reconstruction
 (4) Brief description of the project (Ex: Thin Lift Overlay, Mill and Overlay, Concrete Pavement Repair, etc.)

N.T.S.



REQUESTING STATE & FEDERAL AID PROGRAMMING 2024-2028

- █ 2024 (FlexFund)
- █ 2025 (FlexFund)
- █ 2026
- █ 2027
- █ 2028



REVISED 11/2/2023



37

FINANCE OFFICE
225 4th Street North
Fargo, ND 58102
Phone: (701) 241-1333
www.FargoND.gov

TO: Board of Commissioners

FROM: Susan Thompson, Director of Finance

RE: Resolution Authorizing the Issuance of \$42 Million of Refunding Improvement Bonds Series 2023D, prescribing terms and conditions thereof, and creating a fund for the payment thereof

DATE: November 13, 2023

The City of Fargo will issue bonds on November 13, 2023 for repayment of the capital project fund for various infrastructure projects completed in 2023. The bonds will be repaid with special assessments levied in the fall of 2024.

Brad Elmer of Baker Tilly will present the bond sale results and will be available for any questions about the bond market.

The final resolution and par amount of bonds issued will be updated on the sale date based upon the final bids received.

Suggested Motion:

Approve the Resolution authorizing the Issuance of Refunding Improvement Bonds, Series 2023D, prescribing terms and conditions thereof, and creating a fund for payment thereof.

RESOLUTION DIRECTING THE ISSUANCE OF \$[PAR] REFUNDING
IMPROVEMENT BONDS, SERIES 2023D AND PRESCRIBING THE
TERMS AND COVENANTS THEREFOR

WHEREAS, the City Commission (the “Commission”), of the City of Fargo, Cass County, North Dakota (the “Issuer”) has heretofore duly created the improvement districts as set forth in **Attachment A** hereto (the “Improvement Districts”), authorized the issuance of certain definitive warrants of the Issuer (the “Warrants”) for each such Improvement District in the amounts set forth in **Attachment A** hereto for the construction of improvements in the related Improvement District (the “Improvements”) and established special funds for each Improvement District (the “Special Funds”, each a “Special Fund”);

WHEREAS, the Issuer desires to issue a series of its refunding improvement bonds (the “Bonds”) to finance the Improvements;

WHEREAS, the Issuer is authorized by North Dakota Century Code Chapter 40-27 (the “Act”) to issue such Bonds;

WHEREAS, the Issuer desires to provide for the payment of such refunding improvement bonds through a pledge of the Warrants;

WHEREAS, such Bonds shall be payable solely out of moneys in the Special Funds from which the Warrants are payable;

WHEREAS, pursuant to North Dakota Century Code Section 40-26-08, whenever all special assessments, revenues and taxes, if any, appropriated and theretofore collected for an Improvement are insufficient to pay principal or interest then due on the related Warrants, the Issuer shall levy a tax upon all of the taxable property in the Issuer for the payment of such deficiency; and

WHEREAS, in and by the resolution adopted by the Issuer on this date, entitled “RESOLUTION SELLING, ESTABLISHING TERMS AND DIRECTING ISSUANCE OF DEFINITIVE IMPROVEMENT WARRANTS ON THE FUNDS OF CERTAIN IMPROVEMENT DISTRICTS, AND PROVIDING FOR AND APPROPRIATING SPECIAL ASSESSMENTS FOR THE SUPPORT AND MAINTENANCE OF SAID FUNDS” the Issuer has issued Warrants in the aggregate principal amount of \$[PAR] payable from the Special Funds of the respective Improvement Districts, subject to the terms, provisions and covenants set forth in the resolution, which resolution is incorporated herein and made a part hereof;

BE IT RESOLVED by the Commission of the Issuer, as follows:

1. Findings. It is hereby found, determined, and declared that said Warrants were duly and legally authorized under authority of and in accordance with the provisions of Title 40 of the North Dakota Century Code, as amended; that there is not at the present time in the Special Funds sufficient money to pay the Warrants drawn thereon with interest, and by the exchange of said Warrants for the Bonds the interest rate and interest costs thereon will be substantially reduced, and the general tax which the Issuer may become obligated to levy for any deficiencies in said funds can be reduced and equalized, and the burden on the taxpayers and property owners will be

substantially reduced; that said Warrants are subject to exchange at the option of the Issuer for the purpose of issuing refunding improvement bonds or warrants of the Issuer in accordance with the provisions of Chapter 40-27, North Dakota Century, Code; that all acts, conditions, and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen, and to be performed precedent to the issuance of the Bonds hereinafter described have been done, do exist, have happened, and have been performed in due form, time and manner as so required; and that the issuance of the Bonds is necessary and expedient and for the best interest of the Issuer and its inhabitants, taxpayers, and the owners of property liable to be assessed for said Improvements.

2. Sale of Bonds; Award. Pursuant to the Official Terms of Offering and Official Statement prepared on behalf of the Issuer by Baker Tilly Municipal Advisors, LLC, St. Paul, Minnesota, sealed proposals for the purchase of the CITY OF FARGO REFUNDING IMPROVEMENT BONDS, SERIES 2023D (the “Bonds”) were received at or before the time specified for receipt of proposals. The proposals have been opened, publicly read and considered, and the purchase price, interest rates and net interest cost under the terms of each proposal have been determined. The most favorable proposal received is that of [Purchaser], of [City, State] (the “Purchaser”), to purchase the Bonds in a principal amount of \$[PAR] at a price of \$[purchaseprice]. The sale of the Bonds is hereby awarded to the Purchaser, and the Mayor and City Auditor are hereby authorized and directed to execute a contract on behalf of the Issuer for the sale of the Bonds in accordance with the Official terms of Offering and the Official Statement. The good faith deposit of the Purchaser shall be retained and deposited by the Issuer until the Bonds have been delivered and shall be deducted from the purchase price paid at settlement.

3. Form of Bonds. The Bonds shall be in substantially the form attached as **Attachment B** hereto.

4. Terms, Execution and Delivery.

(a) Maturities; Interest Rates; Denominations and Payment. The Bonds shall be dated originally as of December 14, 2023, shall be in the denomination of \$5,000 each or any integral multiple thereof, of single maturities, shall mature on May 1 in the years and amounts stated below, and shall bear interest from date of original issue until paid or duly called for redemption at the respective annual rates stated opposite their maturity years [to come]:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2024	[]	[]	2038		
2025			2039		
2026			2040		
2027			2041		
2028			2042		
2029			2043		
2030			2048		
2031					
2032					
2033					
2034					
2035					
2036					
2037					

[ADJUST IF ANY TERM BONDS]

The Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof shall be payable by check or draft issued by the Registrar described herein; provided that, so long as the Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 13 hereof, principal and interest shall be payable in accordance with the operational arrangements of the securities depository.

(b) Dates and Interest Payment Dates. Each Bond shall bear a date of original issue as of the date on which the Bonds are delivered to the purchaser. Upon initial delivery of the Bonds pursuant to Section 8 and upon any subsequent transfer or exchange pursuant to Section 5, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. Interest on the Bonds shall be payable on each May 1 and November 1, commencing May 1, 2024, each such date being referred to herein as an Interest Payment Date, to the persons in whose names the Bonds are registered on the Bond Register, as hereinafter defined, at the Registrar’s close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date, whether or not such day is a business day.

(c) Redemption.

Bonds maturing on or after May 1, 2034 are subject to optional redemption on or after May 1, 2033 at a price of par plus accrued interest to the date of redemption.

[INCLUDE BELOW IF ANY TERM BONDS]

The Bonds maturing on May 1, 20[], shall be known as Term Bonds. The Term Bonds are subject to mandatory sinking fund redemption in part at a Redemption Price equal to 100% of the principal amount thereof, together with accrued interest to the Redemption Date on May 1 of the following years and in the following principal amounts:

Term Bonds Maturing on May 1, 20[]
Redemption Date Principal
(May 1) Amount

*

*Stated Maturity

In the event any Bond is called for redemption prior to maturity, the Issuer will cause a notice of redemption to be sent to the Bond Registrar, Paying Agent and the registered owners of the Bonds called for redemption at least twenty (20) days before the date specified for redemption at the address shown on the registration books of the Bond Registrar. Within ten (10) days before the thirtieth (30th) day prior to any specified redemption date, if less than all Bonds of a single maturity are to be redeemed the Bond Registrar will select for redemption (by lot or in such manner as the Bond Registrar may determine) from all outstanding Bonds of the applicable maturity a principal amount of such Bonds equal to the aggregate principal amount of such Bonds to be redeemed, and will call such Bonds or portions thereof for redemption on such Redemption Date; provided that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or an integral multiple thereof and that in selecting Bonds for redemption, the Bond Registrar shall treat each Bond as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. If less than all Bonds are to be optionally redeemed, the maturity or maturities of the Bonds to be redeemed shall selected by the Issuer.

(d) Initial Registrar. Books for the registration and for the transfer of the Bonds as provided in this Resolution shall be kept by the City Auditor of the Issuer, which is hereby appointed the Bond Registrar, Transfer Agent and Paying Agent (the “Registrar”).

5. Transfer and Exchange. The Bonds are transferable upon the books of the Issuer at the principal office of the Bond Registrar by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of the same series of other authorized denominations. Upon such transfer or exchange the Issuer will cause a new Bond or Bonds of the same series to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. No transfer of Bonds shall be required to be made during the 15 days next preceding an interest payment date, nor during the 45 days next preceding the date fixed for redemption of such Bonds.

The Issuer and the Bond Registrar may deem and treat the person in whose name any Bond is registered as the absolute owner thereof, whether the Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the Issuer nor the Bond Registrar shall be affected by any notice to the contrary.

6. Bonds Mutilated, Destroyed, Lost, or Stolen. If any Bond shall become mutilated or be destroyed, lost, or stolen, the Issuer in its discretion may execute and upon its request, the Bond Registrar shall authenticate and deliver a new Bond of the same series in exchange for the mutilated Bond or in lieu of and substitution for the Bond so destroyed, lost, or stolen. In every case of exchange or substitution, the applicant shall furnish to the Issuer and to the Bond Registrar in a form satisfactory to both (i) evidence to their satisfaction of the mutilation, destruction, loss, or theft of the applicant's Bond and of the ownership thereof and (ii) in the case of any destroyed, lost, or stolen Bond, such security or indemnity as may be required by them to save each of them harmless from all risks, however remote. The Bond Registrar may authenticate any Bond issued upon such exchange or substitution and deliver such Bond upon the request of the Issuer may require the payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees, of the Issuer or the Bond Registrar.

If any Bond that has matured or is about to mature shall become mutilated or be destroyed, lost, or stolen, instead of issuing a Bond in exchange or substitution therefor, the Issuer may pay or authorize the payment of such Bond (without surrender thereof except in the case of a mutilated Bond) if the applicant for such payment shall furnish to the Issuer and to the Bond Registrar evidence to the satisfaction of the Issuer and the Bond Registrar of the mutilation, destruction, loss, or theft of such Bond and the ownership thereof and, in the case of any destroyed, lost, or stolen Bond, such security or indemnity as they may require to save them harmless from all risks.

Every Bond issued pursuant to the provisions of this Section in exchange or substitution for any Bond of the same series that is mutilated, destroyed, lost, or stolen shall constitute an additional contractual obligation of the Issuer, whether or not the destroyed, lost, or stolen Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits hereof equally and proportionately with any and all other Bonds. All Bonds shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the respect to the replacement or payment mutilated, destroyed, lost, or stolen Bonds, and shall preclude any and all other rights or remedies, notwithstanding any law or statute existing or hereafter enacted to the contrary with respect to the replacement or payment of negotiable instruments or other securities without their surrender.

7. Cancellation and Disposition of Bonds. All mutilated Bonds, all Bonds surrendered for exchange or transfer, all Bonds that have been paid at maturity or upon prior redemption, and all Bonds surrendered to the Issuer for cancellation shall be canceled by the Bond Registrar.

8. Execution, Authentication and Delivery. The Bonds shall be prepared under the direction of the City Auditor and shall be executed and authenticated on behalf of the Issuer by the signatures of the Mayor and the City Auditor. All signatures may be printed, lithographed or engraved facsimiles of the original. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of any Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this resolution unless and until a certificate of authentication on such Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on

different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been so prepared and executed, the Issuer shall deliver the same to the Purchaser in exchange for the warrants of the Improvement Districts in the same aggregate principal amount, heretofore purchased by the Purchaser, and the Issuer shall pay to the Purchaser the interest accrued to the date of exchange of said warrants less the amount of interest accrued to said date on the Bonds, all in accordance with the agreement heretofore made and entered into relative to the refunding of the warrants, which agreement is hereby approved, ratified and confirmed.

In the event of the absence or unavailability of the Mayor, the City Auditor, or other appropriate officer of the City, the Bonds and the other documents authorized for execution and delivery pursuant to this section may be executed and delivered by the individual or individuals authorized generally by the City to act on behalf of the Mayor, the City Auditor, or other officer of the Issuer in such circumstances, including, without limitation, the Deputy Mayor and the Deputy City Auditor, as the case may be.

9. Establishment of Bond Fund. There shall be and is hereby created a special fund to be maintained by the City Auditor separate and apart from all other funds of the Issuer, to be designated as the SERIES 2023D REFUNDING IMPROVEMENT BOND FUND (herein referred to as the "Bond Fund"). To the Bond Fund shall be credited the Warrants when received by the City Auditor, which Warrants shall thereupon become and shall thereafter be held as an asset of said fund, and the proceeds of all collections on said Warrants so acquired shall be held by the Issuer in trust for the use and benefit of the holders from time to time of the Bonds to the extent such Warrants remain outstanding. The Special Funds of the Improvement District described in the resolution referred to in paragraph 1 hereof shall be continued and payments shall be made therefrom on the Warrants drawn thereon in the same manner as though said Warrants had not been exchanged. All payments of principal and interest made on said Warrants shall be credited to the Bond Fund and shall be used and applied in payment of the principal of and interest on the Bonds as such principal and interest become due.

10. Covenants. The Issuer hereby covenants and agrees with the holders from time to time of the Bonds issued pursuant hereto:

(a) That it will use due diligence to collect all amounts due on the Warrants and to levy and collect the special assessments, revenues, and taxes, if any, appropriated for their payment.

(b) That it will preserve and enforce for the benefit of the holders from time to time of the Bonds all of the rights, powers, and privileges reserved, to the holders of the Warrants, and all of the covenants of the Issuer as provided in the resolution authorizing the issuance of the Warrants.

(c) That at the time and in the manner prescribed by § 40-26-08, North Dakota Century Code, as amended, this governing body will levy general taxes on all taxable property in the corporate limits of the Issuer for the payment of any deficiency in any Special Fund and will cause the proceeds thereof to be applied in payment of the principal of and interest on the then unpaid Warrants drawn on said Special Fund, provided that the Issuer reserves the right to levy taxes in

the manner and to the extent permitted by law for payment and discharge of any deficiency in said Special Funds prior to the date upon which it may become obligatory to levy such deficiency taxes, and the amounts thereof shall be credited against the levies which the Issuer might otherwise have been obligated to make.

(d) That in the event the moneys in the Bond Fund should at any time be insufficient to meet all payments of principal and interest then due on the Bonds, said moneys shall be first used to pay the interest accrued on all outstanding Bonds, and the balance shall be applied in payment of the principal of said Bonds in order of their maturity dates, earliest maturities first, Bonds bearing the same maturity dates being paid pro rata. The Issuer reserves the right and privilege of refunding any of such matured Bonds for the payment of which moneys are not at the time available by issuing new bonds payable from said Bond Fund, which bonds shall be on a parity with those theretofore issued as to interest charges thereon, but the maturity thereof shall be subsequent to the maturity of all Bonds payable from said fund and then outstanding, provided that no holder of Bonds herein authorized to be issued shall be obligated to accept any such bond in exchange for any of such matured Bond.

(e) The Issuer hereby reserves the right to issue additional improvement warrants and refunding improvement bonds, payable on a parity with the Bonds issued hereunder and the Warrants exchanged for the Bonds, to the extent required to complete the Improvements presently proposed for the Improvement Districts and to be financed by the issuance of the additional improvement warrants exchanged for additional revenue bonds.

(f) The Issuer hereby pledges all Warrants and the payments thereon to the payment of the principal of, and interest on, the Bonds.

11. Payment and Discharge; Defeasance. When all of the Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution shall cease. The Issuer may discharge its obligations with respect to all or a portion of the Bonds which are due on any date by depositing with the Paying Agent on or before that date a sum sufficient for the payment of the principal thereof, and interest accruing thereon to such duty in full. If any Bond shall not have been paid when due, the same may nevertheless be discharged by depositing with the Paying Agent a sum sufficient for the payment of the principal thereof in full with interest accrued thereon from the date to which interest has been paid to the date of such deposit and payment to the owners thereof. The Issuer may also discharge its obligations with respect to all or a portion of the Bonds, by depositing with the paying agent on or before that date an amount equal to the principal, interest and redemption premium, if any, which are due on the maturity date, or earlier redemption date selected by the Issuer, provided that notice of such redemption has been duly given as provided herein. The Issuer may also at any time discharge its obligations with respect to all or a portion of the Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank or financial institution qualified by law as an escrow agent for this purpose, cash or securities which are general obligations of the United States or securities of United States agencies which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be sufficient to pay all principal, interest, and redemption premium to become due thereon to maturity or the date of earlier redemption selected by the Issuer. If less than all of the Bonds are to be discharged pursuant to this paragraph, the maturity date, the

mandatory sinking fund redemption requirement with respect to Term Bonds, and series may be selected by the Issuer in its sole discretion.

12. Authentication of Transcript. The officers of the Issuer are hereby authorized and directed to prepare and furnish to the Purchaser and to Dorsey & Whitney LLP, Bond Counsel, certified copies of all proceedings and records relating to the Bonds and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds, as the same appear from the books and records in their custody and control or as otherwise known to them, and all such certified copies, affidavits and certificates, including any heretofore furnished, shall be deemed representations of the Issuer as to the correctness of all statements contained therein.

13. Securities Depository. (a) For purposes of this section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

“Representation Letter” shall mean the Representation Letter pursuant to which the sender agrees to comply with DTC’s Operational Arrangements.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the Issuer may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this resolution, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Registrar nor the Issuer shall be affected by any notice to the contrary. Neither the Registrar nor the Issuer shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is

registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC's Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the Issuer to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the Issuer determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the Issuer may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the Issuer and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC by the Issuer is hereby confirmed and ratified.

(e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates. Any successor depository must be both a "clearing corporation" as defined in North Dakota Century Code, Section 41-08-02 and a qualified and registered "clearing agency" as provided in Section 17A of the Securities Exchange Act of 1934, as amended.

14. Tax Covenants; Arbitrage Matters; Reimbursement and Continuing Disclosure.

(a) Tax Covenant. The Issuer covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and Regulations, Amended Regulations, and Proposed Regulations issued thereunder, as now existing or as hereinafter amended or proposed and in effect at the time of such action.

(b) Arbitrage Certification. The Mayor and the City Auditor being the officers of the Issuer charged with the responsibility for issuing the Bonds pursuant to this resolution, are

authorized and directed to execute and deliver a certificate in accordance with the provisions of the Code and applicable Treasury Regulations (the “Regulations”), stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds which make it reasonable to expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be arbitrage bonds within the meaning of the Code and Regulations.

(c) Rebate. The Issuer acknowledges that the Bonds are subject to the rebate requirements of Section 148(f) of the Code. The Issuer covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under said Section 148(f) and applicable Regulations to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes, unless the Bonds qualify for one of the exceptions from the rebate requirement under Section 1.148-7 of the Regulations and no “gross proceeds” of the Bonds (other than amounts constituting a “bona fide debt service fund”) arise during or after the expenditure of the original proceeds thereof. In furtherance of the foregoing, the City Auditor is hereby authorized and directed to execute a Rebate Certificate, in the form prescribed by Bond Counsel, and the Issuer hereby covenants and agrees to observe and perform the covenants and agreements contained therein, unless amended or terminated in accordance with the provisions thereof.

(d) Not Qualified Tax Exemption Obligations. The Bonds are not designated as “qualified tax-exempt obligations” for purpose of Section 265(b) of the Code.

(e) Reimbursement. The Issuer certifies that the proceeds of the Bonds will not be used by the Issuer to reimburse itself for any expenditure with respect to the Improvements which the Issuer paid or will have paid prior to the issuance of the Bonds unless, with respect to such prior expenditures, the Issuer shall have made a declaration of official intent which complies with the provisions of Section 1.150-2 of the Regulations, provided that this certification shall not apply (i) with respect to certain de minimis expenditures, if any, with respect to the Improvements meeting the requirements of Section 1.150-2(f)(1) of the Regulations, or (ii) with respect to “preliminary expenditures” for the Improvements as defined in Section 1.150-2(f)(2) of the Regulations, including engineering or architectural expenses and similar preparatory expenses, which in the aggregate do not exceed 20% of the “issue price” of the Bonds.

(f) Continuing Disclosure. The City Auditor is hereby authorized to execute, on behalf of the Issuer, the Continuing Disclosure Certificate in a form substantially similar to that attached as **Attachment C** hereto, which is hereby incorporated herein and made a part hereof.

(g) Official Statement. The form of Official Statement relating to the Bonds prepared and distributed on behalf of the Issuer by Baker Tilly Municipal Advisors, LLC, is hereby approved, and the officers of the Issuer are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency thereof.

Mayor

Attest:

City Auditor

COMMISSIONER _____ introduced the following resolution and moved its adoption. The motion for the adoption of the foregoing resolution was duly seconded by COMMISSIONER _____, and upon roll call vote, the following voted in favor thereof:

COMMISSIONERS _____.

The following were absent and not voting: _____,
and the following voted against the same: _____,
whereupon the resolution was declared duly passed and adopted.

Attachment A

LIST OF IMPROVEMENT DISTRICTS WITH ESTIMATED BOND PROCEEDS PRINCIPAL AMOUNTS, ESTIMATED ASSESSMENTS, AND LEVY TERMS, AMOUNTS, AND PAYMENT YEARS FOR EACH

Project Number	Designation	Estimated Bond Proceeds/Principal Amount of Assessments	Levy Term*	Amounts and Payment Years
AN-22-B	Alley Paving	\$ 229,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BN-21-A	Bridge/Utility/Paving	9,998,945	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BN-22-F	New Utility and Paving	2,110,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BN-22-G	New Utility and Paving	2,550,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BN-22-L	New Utility and Paving	877,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BN-22-N	New Utility and Paving	753,956	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-21-C	Watermain, Storm Sewer, Street	892,918	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-22-A	Paving and Utility Rehab/Reconstruction	8,750,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-22-B	Paving and Utility Rehab/Reconstruction	872,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-23-B	Paving and Utility Rehab/Reconstruction	849,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-23-C	Paving and Utility Rehab/Reconstruction	1,243,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-23-E	Paving and Utility Rehab/Reconstruction	703,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-23-F	Paving and Utility Rehab/Reconstruction	960,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
PN-22-M	New Paving/ Construction	1,818,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
PN-23-A	Asphalt Wear Course	2,038,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
PN-23-C	New Paving/ Construction	161,230	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
PR-23-C	Seal Coat	370,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
PR-23-E	Asphalt Mill and Overlay	2,378,000	15	Equal Principal and Interest Payments in each of the years 2024 through 2038
SR-22-B	Sidewalk and Shared Use Path Rehab/Reconstruction	437,975	20	Equal Principal and Interest Payments in each of the years 2024 through 2043
SR-23-A	Sidewalk and Shared Use Path Rehab/Reconstruction	820,000	20	Equal Principal and Interest Payments in each of the years 2024 through 2043
SR-23-B	Sidewalk and Shared Use Path Rehab/Reconstruction	822,000	20	Equal Principal and Interest Payments in each of the years 2024 through 2043
TN-22-A	Traffic Signal Improvements	429,900	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
UN-23-A	New Utility Construction	1,258,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048

*Assessments filed in 2023 for first collection in 2024.

For 15-Year Assessments, assessment revenues totaling approximately \$3,537,490.30 are anticipated to be collected in the approximate amount of \$235,832.70 yearly in the years 2024 through 2038.

For 20-Year Assessments, assessment revenues totaling approximately \$3,496,698.94 are anticipated to be collected in the approximate amount of \$174,834.95 yearly in the years 2024 through 2043.

For 25-Year Assessments, assessment revenues totaling approximately \$69,565,345.80 are anticipated to be collected in the approximate amount of \$2,782,613.84 yearly in the years 2024 through 2048.

Attachment B

FORM OF BONDS

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA
COUNTY OF CASS

CITY OF FARGO

REFUNDING IMPROVEMENT BOND, SERIES 2023D

No. <u> </u>			\$ <u> </u>
<u>INTEREST RATE</u>	<u>MATURITY</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
<u> </u> %	May 1, 20 <u> </u>	December 14, 2023	<u> </u>

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL BY THESE PRESENTS that the City of Fargo, Cass County, North Dakota (the "Issuer"), acknowledges itself to be indebted and for value received promises to pay to the registered owner named above, or registered assigns, the principal amount specified above on the maturity date specified above and promises to pay interest thereon from the date of original issue specified above or from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, at the annual rate specified above, payable on May 1 and November 1 in each year, commencing May 1, 2024 (each such date, an "Interest Payment Date") all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest so payable on any Interest Payment Date shall be paid to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the calendar month next preceding such Interest Payment Date. Interest hereon shall be computed on the basis of a 360-day year composed of twelve 30-day months. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft drawn by the City Auditor of the Issuer, who will serve as the Bond Registrar (the "Registrar").

This Bond is one of an issue designated the CITY OF FARGO REFUNDING IMPROVEMENT BONDS, SERIES 2023D (the "Bonds"), in the aggregate principal amount of \$[PAR] all of like date and tenor except as to serial number, maturity date, interest rate, and redemption privilege, issued, pursuant to the Resolution adopted by the governing body of the Issuer for the purpose of refunding a like principal amount of valid outstanding special improvement warrants drawn on the funds of improvement districts heretofore duly created by the Issuer for the financing of the cost of local improvements in anticipation of the levy and collection of special assessments with respect to the

improvements, all pursuant to and in full conformity with the Constitution and laws of the State of North Dakota.

Bonds maturing on or after May 1, 2034 are subject to optional redemption on or after May 1, 2033 at a price of par plus accrued interest to the date of redemption.

In the event Bonds are to be called for optional redemption in part, the maturities and the Bonds within a maturity shall be selected by the Bond Registrar by lot or in such manner as the Bond Registrar shall determine. Not less than 20 days prior to the date specified for redemption and prepayment of any of the Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, the Paying Agent, and the registered owner of the Bond to be redeemed, in whole or in part, at the address shown on the registration books of the Registrar.

[The Bonds maturing May 1, 20[___], shall be known as Term Bonds. The Term Bonds are subject to mandatory sinking fund redemption in part at a Redemption Price equal to 100% of the principal amount thereof, together with accrued interest to the Redemption Date on May 1 of the following years and in the following principal amounts:

<u>Term Bonds Maturing on May 1, 20[___]</u>	
<u>Redemption Date</u>	<u>Principal</u>
<u>(May 1)</u>	<u>Amount</u>

*

*Stated Maturity

In the event a Bond is called for mandatory sinking fund redemption, the Bonds to be redeemed within a maturity shall be selected by the Bond Registrar by lot or in such manner as the Bond Registrar shall determine.] Not less than 20 days prior to the date specified for redemption and prepayment of this Bond, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, the Paying Agent, and the registered owner of this Bond to be redeemed, in whole or in part, at the address shown on the registration books of the Registrar. If less than all Term Bonds of a single maturity of the same series are to be redeemed at the option of the Issuer, the Issuer may apply the principal amount to be redeemed to reduce the mandatory sinking fund redemption requirements in such the Term Bond to be redeemed in such year or years as it determines in its sole discretion.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the Issuer at the principal office of the Bond Registrar, by the registered owner hereof in person or by its attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or attorney, and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange, the Issuer will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate

principal amount, bearing interest at the same rate, and maturing on the same date, subject to reimbursement for any tax, fee, or governmental charge required to be paid with respect to such transfer or exchange. The Issuer and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the Issuer nor the Bond Registrar shall be affected by any notice to the contrary.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the Issuer.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED, AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the Issuer has duly created the SERIES 2023D REFUNDING IMPROVEMENT BOND FUND as a separate and special fund and has appropriated thereto the improvement warrants refunded by the Bonds of this series, on which improvement warrant payments are required by law to be made as though none of such warrants had been refunded, and will use due diligence to collect said improvement warrants and the special assessments and any taxes necessary for their payment; the Issuer has reserved the right and privilege of issuing additional improvement warrants on the funds of said improvement districts, if and to the extent necessary to complete payment of the cost of the improvements, and the right and privilege of refunding such warrants by the issuance of additional series of Refunding Improvement Bonds, payable on a parity with the Bonds of this series, provided that the total amount of special assessments and taxes appropriated for payment of the cost of the improvements shall be not less than the total amount of warrants issued with respect thereto; that the governing body is required by law to levy a tax upon all the taxable property in the corporate limits of the Issuer, without limitation as to rate or amount, to meet any deficiency in any of said improvement district funds for the payment of all warrants drawn thereon, with interest; and that all collections of special assessments and taxes necessary for the payment of said improvement warrants are required by law to be credited to the Bond Fund and applied in payment of the principal of and interest on the Bonds of this series and any other series issued pursuant to the authority hereinbefore reserved; all as more fully stated in the Resolution; and that the issuance of this Bond has not caused the indebtedness of the Issuer to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint

attorney to transfer the said Bond on the books kept for registration of the within Bond, with full
power of substitution in the premises.

Dated: _____

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

PLEASE INSERT SOCIAL SECURITY
NUMBER OR OTHER IDENTIFYING
NUMBER OF ASSIGNEE:

Signature Guaranteed:

Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Registrar, which requirements include membership or participation in STAMP or such other "signature guaranty program" as may be determined by the Registrar in addition to or in substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Attachment C

CONTINUING DISCLOSURE CERTIFICATE

December 14, 2023

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by the City of Fargo, North Dakota (the “Issuer”) in connection with the Issuer’s \$[PAR] REFUNDING IMPROVEMENT BONDS, SERIES 2023D (the “Bonds”). The Bonds are being issued pursuant to a resolution adopted by the governing body of the Issuer on November 13, 2023 (the “Resolution”), and delivered to [Purchaser] in [City, State] (the “Purchaser”) on the date hereof. The Issuer hereby covenants and agrees as follows:

Section 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Owners of the Bonds in order to assist the Participating Underwriters within the meaning of SEC Rule 15c2-12(b)(5) (the “Rule”) in complying with the Rule. This Disclosure Certificate constitutes the written undertaking and agreement of the Issuer for the benefit of the Owners of the Bonds as required by the Rule.

Section 2. Definitions. In addition to the defined terms set forth in the Resolution, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

“Annual Report” means the annual financial information (as defined in the Rule), including audited financial statements, to be provided to the MSRB in an electronic format prescribed by the MSRB pursuant to paragraph 5(i)(A) and (B) of the Rule, as described in Section 3 and 4 of this Disclosure Certificate.

“EMMA” means the Electronic Municipal Market Access system established by the MSRB with the support of the SEC, or any successor system, which can be accessed on the date hereof at www.emma.msrb.org.

“Financial Obligation” shall mean a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). This term shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

“Financial Statements” means audited or, if unavailable, unaudited general purpose financial statements of the Issuer prepared in accordance with generally accepted accounting principles, as in effect from time to time or as required to be modified as a matter of law. If unaudited financial statements are provided, audited financial statements will be provided when and if available.

“Fiscal Year” means the fiscal year of the Issuer.

“Final Official Statement” means the final official statement relating to the Bonds dated [FOS Date], 2023, which constitutes the final official statement delivered in connection with the Bonds, which is available from the MSRB.

“Issuer” means the City of Fargo, North Dakota, which is the obligated person (as defined in the Rule) with respect to the Bonds.

“Material Event” means any of the events listed in paragraph 5(i)(C) and paragraph 5(i)(D) of the Rule, which are set forth in Section 5(a) and (d) of this Disclosure Certificate.

“MSRB” means the Municipal Securities Rulemaking Board on the date hereof located at 1300 I Street, Suite 1000, Washington, DC 20005.

“Owner” means the person in whose name a Bond is registered or a beneficial owner of such a Bond.

“Participating Underwriter” means any of the original underwriter(s) of the Bonds (including the Purchaser) required to comply with the Rule in connection with the offering of the Bonds.

“Rule” means SEC Rule 15c2-12(b)(5) promulgated by the SEC under the Securities Exchange Act of 1934, as the same may be amended from time to time, and including written interpretations thereof by the SEC.

“SEC” means the Securities and Exchange Commission.

Section 3. Provision of Annual Financial Information and Financial Statements.

(a) The Issuer shall, not later than 12 months after the end of each Fiscal Year, commencing with the year ending December 31, 2023, provide to the MSRB in an electronic format as prescribed by the MSRB an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate and which shall include the CUSIP numbers for the all outstanding Bonds and such other identifying information as may be required from time to time by the Rule. The Annual Report shall be submitted to the MSRB at EMMA or as otherwise directed by the MSRB and may be submitted as a single document or as separate documents comprising a package, and may incorporate by specific reference information in documents available to the public on the MSRB’s internet website or filed with the SEC; provided that the Financial Statements of the Issuer may be submitted separately from the balance of the Annual Report.

(b) If the Issuer is unable or fails to provide an Annual Report by the date required in subsection (a) to the MSRB, the Issuer shall provide a notice of such failure to the MSRB as set forth in Section 5(b) hereof.

Section 4. Content of Annual Reports. The Issuer’s Annual Report shall contain or incorporate by reference the annual Financial Statements and annual financial information similar to that set forth in the following sections of the Final Official Statement:

- (1) Economic and Demographic Information.
- (2) Financial Summary.

- (3) City Indebtedness.
- (4) Outstanding Indebtedness.
- (5) Financial Information.
- (6) Property Valuation and Taxes.

Section 5. Reporting of Material Events.

(a) The Issuer shall provide to the MSRB in an electronic format prescribed by the MSRB notice of any of the following events with respect to the Bonds in a timely manner not in excess of ten (10) business days after the occurrence of the event, which notice shall be submitted to the MSRB at EMMA, or as otherwise directed by the MSRB:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modification to rights of security holders, if material;
- (8) Bond Calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership, or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;

(15) Incurrence of a Financial Obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the obligated person, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the obligated person, any of which reflect financial difficulties.

(b) If the Issuer determines that it has failed to give notice of a Material Event as set forth above or to file the Annual Report in a timely fashion as required herein, the Issuer shall promptly file a notice of such occurrence to the MSRB in an electronic format prescribed by the MSRB, which notice shall be submitted to the MSRB at EMMA or as otherwise directed by the MSRB.

Section 6. Reporting Generally. The Issuer shall file its Annual Report, each notice of a Material Event, and each notice required by subsection (b) of Sections 3 and 5 of this Disclosure Certificate with the CUSIP numbers for all outstanding Bonds specified and such other identifying information as may be required from time to time by the Rule or by the MSRB. Each such item shall be submitted to the MSRB at EMMA, or as otherwise directed by the Rule or the MSRB, in an electronic format prescribed by the MSRB.

Section 7. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption, or payment in full of all the Bonds.

Section 8. Agent. The Issuer may, from time to time, appoint or engage a dissemination agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such agent, with or without appointing a successor dissemination agent.

Section 9. Amendment: Waiver. Notwithstanding any other provision of this Disclosure Certificate and without consent of the Owners of the Bonds, the Issuer may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, if such amendment or waiver (i) is required by an amendment of the Rule by the SEC or procedures relating to the Rule by the MSRB, (ii) is to clarify an ambiguity or error, or (iii) does not provide for undertakings which violate the Rule or procedures of the MSRB then in effect or eliminates undertakings then required by the Rule or otherwise required by the SEC or the MSRB with respect to the Rule, which may be evidenced by a written opinion of legal counsel selected by the Issuer to the effect that such amendment or waiver would not, in and of itself, violate the Rule, requires undertakings which would violate the Rule or eliminates undertakings required by the Rule. If the Issuer determines that any such amendment or waiver materially changes the information provided to the MSRB or the timing of the information to be provided and that such information has not otherwise been provided to the MSRB in an Annual Report or Material Event filing, it shall provide the MSRB notice of such amendments as additional information pursuant to Section 9 hereof.

Section 10. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the Issuer from providing any other information to the public, using the means of filing with the MSRB as set forth in this Disclosure Certificate or any other means of communication. Such information may include any other information in addition to that which is required by this Disclosure Certificate. If the Issuer chooses to include any information in addition to that which is specifically required by this Disclosure Certificate, the Issuer shall have no obligation under this Disclosure Certificate to update such information and may state in the disclosure that it does not intend to update such information.

Section 11. Default. In the event of a failure of the Issuer to comply with any provision of this Disclosure Certificate, any Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default with respect to the Bonds and the sole remedy under this Disclosure Certificate in the event of any failure of the Issuer to comply with this Disclosure Certificate shall be an action to compel performance.

Section 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Issuer, the Participating Underwriters and Owners from time to time of the Bonds, and shall create no rights in any other person or entity.

IN WITNESS WHEREOF, I have executed this Disclosure Certificate in my official capacity on behalf of the City of Fargo, North Dakota as of the date first written above.

CITY OF FARGO, NORTH DAKOTA

By: _____
Steven Sprague
City Auditor

RESOLUTION SELLING, ESTABLISHING TERMS AND DIRECTING ISSUANCE OF
DEFINITIVE IMPROVEMENT WARRANTS ON THE FUNDS OF CERTAIN
IMPROVEMENT DISTRICTS, AND PROVIDING FOR AND APPROPRIATING SPECIAL
ASSESSMENTS FOR THE SUPPORT AND MAINTENANCE OF SAID FUNDS

BE IT RESOLVED by the City Commission (the “Commission”) of the City of Fargo, Cass County, North Dakota (the “Issuer”) as follows:

1. Findings. It is hereby found, determined, and declared that the Issuer has heretofore duly created the improvement districts as set forth in **Attachment A** hereto, which is incorporated herein (the “Improvement Districts”), and has ordered, received, and approved plans and specifications, and estimates of the cost, for the construction of the improvements in said Improvement Districts (the “Improvements”); that the governing body determined the necessity of constructing the Improvements; that the Improvements have been petitioned by the owners or that insufficient protests to the project were filed in accordance with State of North Dakota (the “State”) law; that contracts for construction of the Improvements have been duly awarded and executed; that the contracts and contractors’ bonds have been and are hereby approved; that the Issuer possesses and has power to exercise through this governing body full and exclusive jurisdiction over all streets and places wherein said improvements are located; that the total cost of said Improvements in excess of any other funds on hand and appropriated for the payment of such cost including reimbursing other funds of the Issuer for any amounts temporarily advanced to meet immediate expenses of the Improvements less prepayments actually received and to be used to pay the cost of said Improvements is now estimated to be approximately the amount set forth in **Attachment A** hereto, which is incorporated herein; that to pay the total cost of said Improvements, the Issuer has sold improvement warrants in the principal amount of \$[PAR]; that the total benefits to all lots, tracts, and parcels of land liable to be specially assessed for benefits resulting from the Improvements in said Improvement Districts will be substantially in excess of the cost of said Improvements to be assessed against said properties as herein provided; and that all acts, conditions, and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen, and to be performed preliminary to the issuance and sale of warrants to provide moneys to pay for said Improvements (the “Warrants”) have been done, do exist, have happened, and have been performed in regular and due form and in the time and manner as so required. Each Warrant is payable from and secured by a special fund of the Issuer created with respect to an Improvement District and the special assessments levied within such Improvement District for the Improvements relating to such district.

2. Issuance and Sale of Warrants. In order to pay the Issuer’s portion of the cost of the Improvements (including the retirement of any temporary warrants heretofore issued for such cost), it is necessary and expedient for the Issuer at this time to borrow money by the issuance of improvement warrants to be drawn upon the respective funds (the “Funds”) of the Districts, created pursuant to Section 4, in the aggregate principal amount of \$[PAR] (the “Warrants”). Bids for the purchase of the Warrants, to be immediately refunded by the issuance of \$[PAR] Refunding Improvement Bonds, Series 2023D (the “Bonds”) of the Issuer, have been solicited by Baker Tilly Municipal Advisors, LLC, the Issuer’s municipal advisor, pursuant to an Official Terms of Offering and an Official Statement for the sale of the Warrants and Bonds, and the Commission has publicly considered all sealed bids presented in conformity therewith. It is hereby determined that the best bid for the purchase of the Warrants and Bonds is the bid received from [Purchaser],

of [City, State] (the “Purchaser”), said bid being to purchase the Warrants and Bonds in a principal amount of \$[PAR] at a price of \$[purchaseprice], and upon the further terms set forth herein. The Mayor and City Auditor are hereby authorized and directed on behalf of the Issuer to execute a contract with the Purchaser for the sale of the Bonds.

3. Interest Rate; Payment Dates and Installment of Principal. In anticipation of the collection of the special assessments and of any taxes as set forth in Sections 5 and 8 hereof, the Issuer shall issue and deliver a definitive improvement warrant on the fund of each District in the respective principal amounts set forth in Exhibit A. The warrants shall be dated as of December 14, 2023, and shall bear interest at the rates set forth in Exhibit A, payable on May 1 and November 1 in each year, commencing May 1, 2024, but no interest coupons shall be attached thereto. One or more warrants shall be issued for each District, payable in annual installments of principal, with interest, on May 1 in the respective years and in the amounts specified for each of said years, as provided in Exhibit A hereto.

4. Creation and Uses of Funds and Accounts There is hereby created a special fund of the Issuer for each Improvement District (the “Special Funds,” each a “Special Fund”), which Special Funds shall be held and administered by the City Auditor separate and apart from all other funds of the Issuer and each Special Fund shall be continued and maintained as directed in this resolution until all Warrants issued thereon shall have been fully paid with interest. In each such Special Fund there shall be maintained two separate accounts to be designated as the “Construction Account” and “Principal and Interest Account,” respectively.

(a) There shall be credited to the Construction Account in each Special Fund the proceeds of the sale of the Warrants issued against such Special Fund except the accrued interest and except any amounts necessary to reimburse other funds of the Issuer for temporary advances made for the Improvements. All costs and expenses of making said Improvements, including interest coming due during construction, shall be paid from time to time as incurred and allowed from said Construction Account, upon Construction Account warrants signed by the Mayor and City Auditor, or in their absence, the Deputy Mayor and/or the Deputy City Clerk, and moneys in said Account shall be used for no other purpose, provided that if upon completion of the Improvements and approval thereof by the Engineer for the Issuer, and payment of all claims and expenses in respect to said Improvement, there shall remain any unexpended balance in said Construction Account, such balance shall be transferred to the respective Principal and Interest Account and handled and accounted for in the same manner as other moneys in that account.

(b) There shall be credited to the Principal and Interest Account in each Special Fund the accrued interest, if any, on the Warrant drawn on said fund from the date of the Warrant to the date of delivery thereof to the Purchaser, the entire amount of special assessments and any taxes to be levied with respect to that improvement as herein set forth, to the extent necessary to pay principal and interest on Warrants payable therefrom, and any balance remaining in the Construction Account after completion of said Improvement. While a Warrant remains outstanding, moneys in the Principal and Interest Account therefor shall be used only for payment of the principal of and interest on the Warrants drawn against said fund to the extent such payments become due.

(c) The Issuer covenants and agrees with the holders from time to time of the Issuer's refunding improvement bonds, which are payable from, and secured by, the Warrants and the interest on which is excluded from gross income for federal tax purposes (the "Bonds"), that it will not take or permit to be taken by any of its officers, employees, or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended, and regulations, amended regulations, and proposed regulations issued thereunder, as now existing or as hereinafter amended or proposed and in effect at the time of such action.

5. Special Assessments. With respect to the Improvement Districts, the Issuer covenants and agrees with all holders of Warrants that it will do and perform as soon as may be possible, in accordance with law, all acts and things necessary for the final and valid levy of special assessments against properties within the Improvement Districts benefited by the Improvements, in an aggregate amount equal to the total cost of the Improvement to the Issuer, except any portion, not exceeding one-fifth of the cost of the improvement and not exceeding any applicable constitutional or statutory debt limit, as the Issuer may determine to pay by the levy of *ad valorem* taxes upon all taxable property within its corporate limits.

In the event that the special assessment should at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the Issuer or by the governing body or by any officers or employees, either in the making of the special assessment or in the performance of any condition precedent thereto, the Issuer and this governing body covenant and agree that they will forthwith do all such further acts and take all such further proceedings as may be required by law to make such special assessment a valid and binding lien upon such lot or tract.

The installments of special assessments from time to time remaining unpaid shall bear interest at the applicable rate, not exceeding seventy-five hundredths of a percentage point (0.75%) above the true interest cost (TIC) annual interest rate on bonds issued on special improvement districts, said special assessments to be levied in equal annual installments of principal, together with the interest to accrue thereon, as set forth in **Attachment A** hereto.

6. Form of Warrant. The Warrants shall be reproduced in substantially the form set forth in **Attachment B** hereto and incorporated herein.

7. Execution and Delivery. Each Warrant shall be prepared for execution under the direction of the City Auditor and shall be executed on behalf of the Issuer by the signature of the Mayor, countersigned by the City Auditor and sealed with the official seal of the Issuer. When executed, the warrants shall be delivered by the City Auditor to the Purchaser thereof upon payment of the purchase price agreed upon, and the Purchaser shall not be obligated to see to the application of the purchase price.

The Mayor, the City Auditor, and other officers of the Issuer are also hereby authorized to execute and deliver any such additional certificates, showings, agreements, or documents necessary or otherwise appropriate in connection with the issuance of the Warrants and the transactions contemplated thereby.

In the event of the absence or unavailability of the Mayor, the City Auditor, or other appropriate officer of the Issuer, the Warrants and the other documents authorized for execution and delivery pursuant to this section may be executed and delivered by the individual or individuals authorized generally by the Issuer to act on behalf of the Mayor, the City Auditor, or other officer of the Issuer in such circumstances, including, without limitation, the Deputy Mayor and the Deputy City Auditor, as the case may be.

In case any officer signing documents authorized to be executed and delivered by this resolution shall cease to be such officer before or after the delivery of any such document, such signature, nevertheless, shall be valid and remain sufficient for all purposes as if such officer had remained in office until such delivery or later applicable time.

8. Covenant as to Tax Levy. With respect to each Special Fund, the Issuer hereby recognizes its obligation with respect to the Warrants drawn against the Funds, as set forth in § 40-26-08, North Dakota Century Code, as amended, and covenants that whenever all special assessments, utility revenues and taxes, if any, appropriated and theretofore collected for the related Improvement are insufficient to pay principal of or interest then due on the applicable Warrant, the governing body of the Issuer shall thereupon levy a tax upon all taxable property in the corporate limits of the Issuer for the payment of such deficiency, provided that if said Warrant has been exchanged for refunding improvement bonds pursuant to the provisions of Chapter 40-27, North Dakota Century Code, such deficiency tax may be made payable in the years and amounts required to pay the principal of and interest on such refunding improvement bonds as the same become due. Nothing herein contained shall be deemed to limit the power of the Issuer and this governing body under the provisions of said § 40-26-08, as amended, to levy a general tax in anticipation of a deficiency considered likely to occur in said Special Fund within one year, and it is hereby declared to be the policy of the Issuer that the governing body will annually review the current requirements and resources of each Special Fund, at the time of the preparation of and hearing on the budget, in accordance with the provisions of Chapter 40-40, North Dakota Century Code, to the end that provisions may be made in each annual budget for any deficiency in said applicable Funds which is deemed likely to occur within the then next succeeding year. Any taxes levied in accordance with the provisions of this paragraph in payment of a deficiency, or in anticipation of a deficiency, shall be paid upon collection into the Principal and Interest Account of the Special Fund and applied as provided in paragraph 2(b) hereof.

9. Refunding. With respect to the Special Funds, the Issuer reserves the right and privilege of refunding any warrants drawn against any of the Special Funds and refunding improvement bonds payable from such warrants which are past due, or which are redeemable at the option of the Issuer, or to the redemption or exchange of which the holder thereof shall have consented, and for the payment of which Warrants moneys are not at the time available in said fund, by issuing new warrants pursuant to the provisions of § 40-27-06, North Dakota Century Code. Such refunding warrant shall be payable from the applicable Special Fund on a parity with the Warrant previously issued as to interest charges, provided, however, that the principal maturities of such refunding warrant shall be subsequent to the maturities of all Warrants payable from such Special Fund and then outstanding, except the warrants so refunded.

With respect to the Special Funds, the Issuer also reserves the right to issue additional warrants and refunding improvement bonds for the payment of the cost of the improvement in said

districts if the actual cost of said improvement should be greater than has been estimated, such additional warrants to be payable from said fund on a parity with other warrants drawn on said funds.

10. Certification of Proceedings. The officers of this Issuer and the County Auditor of Cass County are authorized and directed to prepare and furnish to the purchaser of said warrants and to Dorsey & Whitney LLP, Bond Counsel to the Issuer, certified copies of all ordinances, resolutions, affidavits or other instruments relating to the establishment and construction of said improvement and the operation and maintenance thereof, and the levy of special assessments and taxes therefore or the issuance of said improvement warrants, which may be necessary or proper to show the validity or marketability of said warrants, and all instruments and transcripts so furnished, constitute representations of the Issuer as to the correctness of the facts as stated or recited therein.

Mayor

Attest:

City Auditor

COMMISSIONER _____ introduced the preceding resolution and moved its adoption. The motion for the adoption of the foregoing resolution was duly seconded by COMMISSIONER _____, and upon roll call vote, the following voted in favor thereof:

COMMISSIONERS _____.

The following were absent and not voting:

_____, and the following voted against the same: _____, whereupon the resolution was declared duly passed and adopted this ____ day of November, 2023.

Attachment A

LIST OF IMPROVEMENT DISTRICTS WITH ESTIMATED BOND PROCEEDS PRINCIPAL AMOUNTS, ESTIMATED ASSESSMENTS, AND LEVY TERMS, AMOUNTS, AND PAYMENT YEARS FOR EACH

Project Number	Designation	Estimated Bond Proceeds/Principal Amount of Assessments	Levy Term*	Amounts and Payment Years
AN-22-B	Alley Paving	\$ 229,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BN-21-A	Bridge/Utility/Paving	9,998,945	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BN-22-F	New Utility and Paving	2,110,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BN-22-G	New Utility and Paving	2,550,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BN-22-L	New Utility and Paving	877,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BN-22-N	New Utility and Paving	753,956	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-21-C	Watermain, Storm Sewer, Street	892,918	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-22-A	Paving and Utility Rehab/Reconstruction	8,750,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-22-B	Paving and Utility Rehab/Reconstruction	872,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-23-B	Paving and Utility Rehab/Reconstruction	849,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-23-C	Paving and Utility Rehab/Reconstruction	1,243,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-23-E	Paving and Utility Rehab/Reconstruction	703,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
BR-23-F	Paving and Utility Rehab/Reconstruction	960,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
PN-22-M	New Paving/ Construction	1,818,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
PN-23-A	Asphalt Wear Course	2,038,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
PN-23-C	New Paving/ Construction	161,230	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
PR-23-C	Seal Coat	370,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
PR-23-E	Asphalt Mill and Overlay	2,378,000	15	Equal Principal and Interest Payments in each of the years 2024 through 2038
SR-22-B	Sidewalk and Shared Use Path Rehab/Reconstruction	437,975	20	Equal Principal and Interest Payments in each of the years 2024 through 2043
SR-23-A	Sidewalk and Shared Use Path Rehab/Reconstruction	820,000	20	Equal Principal and Interest Payments in each of the years 2024 through 2043
SR-23-B	Sidewalk and Shared Use Path Rehab/Reconstruction	822,000	20	Equal Principal and Interest Payments in each of the years 2024 through 2043
TN-22-A	Traffic Signal Improvements	429,900	25	Equal Principal and Interest Payments in each of the years 2024 through 2048
UN-23-A	New Utility Construction	1,258,000	25	Equal Principal and Interest Payments in each of the years 2024 through 2048

*Assessments filed in 2023 for first collection in 2024.

For 15-Year Assessments, assessment revenues totaling approximately \$3,537,490.30 are anticipated to be collected in the approximate amount of \$235,832.70 yearly in the years 2024 through 2038.

For 20-Year Assessments, assessment revenues totaling approximately \$3,496,698.94 are anticipated to be collected in the approximate amount of \$174,834.95 yearly in the years 2024 through 2043.

For 25-Year Assessments, assessment revenues totaling approximately \$69,565,345.80 are anticipated to be collected in the approximate amount of \$2,782,613.84 yearly in the years 2024 through 2048.

Attachment B

FORM OF WARRANT

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA
COUNTY OF CASS

CITY OF FARGO

IMPROVEMENT WARRANT, SERIES 2023D
IMPROVEMENT DISTRICT NO. _____

R-[]

INTEREST RATE

DATE OF ORIGINAL ISSUE

[] %

December 14, 2023

PRINCIPAL AMOUNT: _____ DOLLARS

KNOW ALL BY THESE PRESENTS that the City of Fargo, Cass County, North Dakota, (the "Issuer") acknowledges itself to be specially indebted and for value received promises to pay to the registered owner specified above or registered assigns, the principal amount of \$ _____ in annual installments on May 1 in each of the years 20_ through 20_ but only from its _____ Fund, with interest thereon from the date hereof at the annual rate specified above, such interest payable on May 1 and November 1 in each year, commencing May 1, 2024, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month. Both principal and interest are payable at the office of the City Auditor of the Issuer, in Fargo, North Dakota, in any coin or currency of the United States of America which on the respective dates of payment is legal tender for public and private debts.

This warrant is issued for the purpose of financing a portion of the cost of a necessary improvement benefiting the above-named District of the Issuer, and is issued pursuant to and in full conformity with the Constitution and laws of the State of North Dakota thereunto enabling, including Chapters 40-22 to 40-28 and Chapter 40-49 of the North Dakota Century Code, and amendatory and supplemental laws, and in anticipation of the collection of special assessments levied or to be levied and collected to pay for said improvement, which moneys are to be appropriated to the account and fund referred to above.

This warrant is subject to redemption and prepayment at the option of the Issuer at any time, at a price equal to the principal amount hereof and accrued interest, for the sole purpose of refunding the entire issue by the issuance of refunding improvement bonds of the Issuer pursuant to Chapter 40-27, North Dakota Century Code.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed preliminary to and in the valid issuance of this warrant have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that this warrant is duly issued to pay costs incurred and to be incurred in the making of a necessary improvement of special benefit to the above-named Improvement District, in anticipation of the collection of special assessments to be duly levied upon properties within said district, and of taxes to the extent determined by the governing body, which are irrevocably appropriated to the fund of the district in amounts sufficient to pay when due the principal of and interest on all warrants drawn thereon; that if the fund should at any time be insufficient to pay principal or interest due, the Issuer is also required by law to levy a tax upon all of the taxable property within its corporate limits for the payment of such deficiency, without limitation of rate or amount; and that the issuance of this warrant did not cause the special or general indebtedness of the Issuer to exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF the City of Fargo, North Dakota, by its governing body has caused this warrant to be executed in its behalf by the signature of the Mayor and countersigned by the City Auditor, and sealed with its official seal.

Mayor

Countersigned:

City Auditor

(S E A L)

REGISTRATION

The City of Fargo, North Dakota, has registered the ownership of the within warrant, and of the interest payable thereon, on the books of the City maintained by its City Auditor at Fargo, North Dakota, in the name of the following owner:

City of Fargo, in trust for the owners of its Refunding Improvement Bonds, Series 2023D.

Dated as of the ____ day of December, 2023.

City Auditor

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

38

ORDINANCE NO. _____

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AN ORDINANCE AMENDING SECTIONS 13-1801, 13-1802, 13-1806 OF ARTICLE 13-18
OF CHAPTER 13 OF THE FARGO MUNICIPAL CODE
RELATING TO MASSAGE THERAPY ESTABLISHMENTS

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

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

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such 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 13-1801 of Article 13-18 of Chapter 13 of the Fargo Municipal Code is hereby amended to read as follows:

Section 13-1801. Definitions.

As used in this ordinance, unless context otherwise indicates, the following definitions shall apply:

1. "Massage" means the practice of massage therapy by the manual application of a system of structured touch to the soft tissues of the human body, including:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

- a. Assessment, evaluation, or treatment;
- b. Pressure, friction, stroking, rocking, gliding, kneading, percussion, or vibration;
- c. Active or passive stretching of the body within the normal anatomical range of movement;
- d. Use of manual methods or mechanical or electrical devices or tools that mimic or enhance the action of human hands touch;
- e. Use of topical applications such as lubricants, scrubs, or herbal preparations; and
- f. Use of hot or cold applications.

* * *

6. "Public health department" means Fargo Cass Public Health or any representative or designee thereof.

Section 2. Amendment

Section 13-1802 of Article 13-18 of Chapter 13 of the Fargo Municipal Code is hereby amended to read as follows:

Section 13-1802. License to operate massage therapy establishment issued annually – fee; application, investigation.

No person shall operate a massage therapy establishment without first applying for and obtaining a license issued by the public health department. The license shall be subject to all the terms and conditions of this article and any other approved regulations as provided in this article. The initial application for a license shall extend from the date of issuance until year-end. Thereafter, the massage therapy establishment license may be renewed annually, January 1, by the director of public health. The fee for an initial license and any renewal thereof shall be as established by resolution of the board of city commissioners, and applicants shall complete an application form furnished by the public health department. A license shall apply only to the premises described in the application, and in the license issued thereon, and only one location shall be so described in each license.

The chief of police or their designee shall investigate the facts stated in the application and shall report the results of the investigation to the public health department prior to the issuance of a license. Said investigation shall include the character, reputation, and fitness of the applicant to hold a license, or any other pertinent information as to whether such license should be granted. Upon satisfaction of compliance with all license requirements, the massage therapy establishment license shall be issued.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 3. Amendment

Article 13-1806 of Chapter 13 of the Fargo Municipal Code is hereby amended as follows:

Section 13-1806. Licenses—non-renewal, suspension, or revocation of license.

* * *

D. An order suspending or revoking a license pursuant to the provisions of this article may be appealed to the board of city commissioners. The licensee must give written notice of its intent to appeal the order of suspension or revocation to the board of city commissioners no later than 10 days of the date of the decision. The board of city commissioners shall consider the appealed decision ~~as a new matter~~ in a public hearing and, at the close of the public hearing, shall act to affirm or reverse the original decision.

* * *

Section 4. Penalty.

A person, firm, or corporation violating the provisions of this article shall, upon conviction thereof, be guilty of a Class B misdemeanor, and shall be punished by a fine not to exceed \$1,500.00 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 5. Effective Date.

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

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Attest:

Timothy J. Mahoney, M.D., Mayor

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:

39

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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AN ORDINANCE AMENDING SECTION 1-0305(A)(1)
OF ARTICLE 1-03 OF CHAPTER 1 OF THE FARGO MUNICIPAL CODE
RELATING TO CLASSIFICATION OF ORDINANCE VIOLATIONS

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

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

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

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance to increase the penalty for massage therapy establishment violations from an Infraction to a Class B misdemeanor;

NOW, THEREFORE,

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

Section 1. Amendment.

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

1-0305. Classification of ordinance violations.—

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

1. Section 1-0306(D) (failure to appear or post bond on a non-criminal, non-traffic offense), section 8-0305(A)(2) (fictitious registration), section 8-0305(A)(3) (lending registration plates), section 8-0308 (reproducing operator's or driver's license or permit), section 8-0309 (driving under suspension), section 8-0310 (driving under the influence),

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 section 8-0314 (reckless driving), section 8-0320(D) (failure to deliver plates) section 8-
 2 0803 (accidents involving damage to vehicle), section 8-0804 (duty to give information
 3 and render aid), section 8-0805 (duty upon striking fixture or other property), section 8-
 4 0809 (false reports), section 10-0104 (curfew), section 10-0201 (indecent exposure),
 5 section 10-0301 (disorderly conduct), section 10-0201 (indecent exposure), section 10-
 6 0301 (disorderly conduct), section 10-0317 (resisting police officer), section 10-0319
 7 (incendiary devices), section 10-0320 (registration in schools), section 10-0321 (criminal
 8 mischief), section 10-0321.1 (criminal mischief-hate crime), section 10-0322 (harassment),
 9 section 10-0322.1 (harassment-hate crime), section 10-0323 (simple assault), section 10-
 10 0323.1 (simple assault-hate crime), section 10-0324 (aiding and abetting), section 10-0601
 11 (shoplifting), section 10-0602 (theft), section 10-0702 (order to disperse), section 10-0703
 12 (tenant/owner cooperation required), section 10-1202(2) ($\geq \frac{1}{2}$ oz. marijuana) and 10-
 13 1202(3) (under 21 in possession of marijuana), section 12-0117(C) and 12-0117(G)
 14 (potentially dangerous and dangerous dogs), section 13-0511 (removal of wastes), section
 15 13-0513 (fee/permit for hauling waste), section 13-0529 (misuse of compost sites), article
 16 13-13 (drug lab cleanup), article 13-18 (massage therapy establishments), chapter 17
 17 (sewers and sewerage), article 18-09 (excavation code), section 25-0412 (unlicensed
 18 taxicab or vehicle for hire), section 25-1509(A) (selling alcoholic beverage to minor),
 19 section 25-1518(C) (minor misrepresenting age), and section 25-1518(D) (delivery of
 20 alcoholic beverage to minor), article 25-33 (tattoos, body art and body piercing), article 25-
 21 36 (tanning facilities).

* * *

Section 2. Effective Date.

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

Timothy J. Mahoney, M.D., Mayor


(SEAL)

Attest:

First Reading:
Second Reading:
Final Passage:

40a

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FROM: MAYOR TIMOTHY J. MAHONEY 
DATE: NOVEMBER 13, 2023
SUBJECT: HUMAN RIGHTS COMMISSION APPOINTMENT

Jacqueline Dotzenrod who serves on the Human Rights Commission has resigned her position. Her term would have expired on July 1, 2025.

Aaron Kawreh has submitted an application indicating interest in serving on the Board and I am therefore recommending his appointment. I have attached his web application for your information.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the appointment of Aaron Kawreh to fill the unexpired term of Jacqueline Dotzenrod for a term ending July 1, 2025.

Attachments
mmapppts23hrc-2

Kember Anderson

From: noreply@cityoffargo.com
Sent: Monday, October 23, 2023 11:16 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government
Attachments: Aaron Updated Resume.pdf

Name:
[Aaron S. Kawreh]

Mailing Address:
[REDACTED]

City:
[Fargo]

State:
[North Dakota]

Zip:
[58104]

Work Phone:
[REDACTED]

Home Phone:
[REDACTED]

E-mail:
[REDACTED]

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

[Human Relations Commission]

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

[Joining the Human Relations Commission panel would allow me to directly contribute to this vision. I am passionate about advocating for social justice and ensuring that everyone, regardless of their background, feels heard and valued. I want to be part of a team that actively addresses concerns related to discrimination, inequality, and human rights violations, working towards positive change.]

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

[1-4hours a week]

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

[Youth and Sport Peer Counselor in Liberia]

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

[To Whom It May Concern,

I hope this message finds you well. I am thrilled to express my keen interest in the Human Rights Commission position with your esteemed organization. With a strong background in community involvement, banking, and human resources, I am confident that my skills and experiences align perfectly with the requirements of this role.

Throughout my career, I have actively engaged with diverse communities, fostering inclusive, and advocating for social justice. This involvement has sharpened my ability to understand and address the complex challenges faced by marginalized individuals. Combining my passion for human rights with my expertise in banking and human resources, I aim to contribute to the Commission's mission effectively.

In my previous role as a banking professional, I consistently demonstrated my ability to navigate complex financial systems while maintaining impeccable attention to detail. This experience has honed my analytical and problem-solving skills, ensuring that I can approach human rights issues with a methodical and informed approach.

Furthermore, my background in human resources has provided me with a deep understanding of the importance of fair and equitable treatment within organizations. I have successfully implemented policies and procedures to foster an inclusive work environment and ensure compliance with applicable laws and regulations.

*I am confident that my diverse skill set, coupled with my passion for advocating for human rights, would make me an asset to the Human Rights Commission. I am eager to contribute my unique perspective and actively collaborate with a team committed to making a positive impact.
Thank you for considering my application. I look forward to the opportunity to discuss further how my experiences align with your organization's goals. Please do not hesitate to reach out to arrange an interview.*

*Sincerely,
Aaron Success Kawreh
]*


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

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406

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: NOVEMBER 13, 2023

SUBJECT: NATIVE AMERICAN COMMISSION APPOINTMENTS

The terms of Emily Sargent and Dale Sayers on the Native American Commission expired on June 30, 2023. Ms. Sargent and Mr. Sayers would like to continue their service on the Board and I am recommending their reappointment. Additionally, Sharon White Bear has resigned her position on the Board. Her term would have ended June 30, 2024.

Lisa Ducheneaux has expressed interest in serving on the Native American Commission and I am, therefore, recommending that she be appointed to fill the unexpired term of Ms. White Bear for a term ending June 30, 2024. A web application for Ms. Ducheneaux is attached for your reference.

Your favorable consideration of these recommendations is greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Emily Sargent and Dale Sayers for three year terms ending June 30, 2026 and the appointment of Lisa Ducheneaux to fill the unexpired term of Sharon White Bear for a term ending June 30, 2024 on the Native American Commission.

Attachments
mmappts23nac

Kember Anderson

From: noreply@cityoffargo.com
Sent: Friday, October 28, 2022 9:56 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:
[Lisa Ducheneaux]
Mailing Address:
[REDACTED]
City:
[West Fargo]
State:
[North Dakota]
Zip:
[58078]
Work Phone:
[BLANK]
Home Phone:
[REDACTED]
E-mail:
[REDACTED]

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:

[To ensure equity and proper resources for all Native Americans in the community. To assist in proposing programming and promoting health for all natives in the FM area as needed.]

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

[negotiable.]

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

[Have worked in the homeless/domestic violence shelters for the past 3 years in the FM area.]

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

[Homeless shelter advocate, worked for 15 years in criminal justice setting in Minnesota.]

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



4/102

October 24, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3516 Par St N as submitted by Bruce Morgan. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$274 with the City of Fargo's share being \$47.

Sincerely,

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

Mike Splonskowski
City Assessor

nlb
attachment

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

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lot: 10, Block: 4, Addition Name: Golf Course 3rd

2. Address of Property 3516 Par St N, Fargo, ND 58102

3. Parcel Number 01-1003-00850-000

4. Name of Property Owner Morgan, Bruce J Phone No. (701) 541-0139

5. Mailing Address of Property Owner 3516 Par St N, Fargo, ND 58102

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Demolish existing sun room and reconstruct one story 15 x 19 addition.

7. Building permit No. 2306-0078-REN 8. Year built (residential property) 1975

9. Date of commencement of making the improvements June 2nd, 2023

10. Estimated market value of property before the improvements \$ 302,500

11. Cost of making the improvement (all labor, material and overhead) \$ 115,000

12. Estimated market value of property after the improvements \$ 352,000

Applicant's Certification And Signature

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

Applicant *Bruce Morgan* Date Oct 20, 2023

Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization *Wendy Glushko* Date 10-27-2023

Action Of Governing Body

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

Approval is subject to the following conditions: _____

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

Chairperson _____ Date _____



416

October 24, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3644 Fairway Road N as submitted by Michael Joyce T/O/D. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$2,525 with the City of Fargo's share being \$761.

Sincerely,

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

Mike Splonskowski
City Assessor

nlb
attachment

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

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lot: 10, Block: 6, Addition Name: Golf Course 2nd

2. Address of Property 3644 Fairway Road N, Fargo, ND 58102

3. Parcel Number 01-1002-00470-000

4. Name of Property Owner Joyce, Michael P & Joan E RLT Phone No. (701) 232-9777

5. Mailing Address of Property Owner 3644 Fairway Road N, Fargo, ND 58102

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Construction of 22x34 master suite addition

7. Building permit No. 2209-0771-ADD 8. Year built (residential property) 1974

9. Date of commencement of making the improvements September 22nd, 2022

10. Estimated market value of property before the improvements \$ 449,700

11. Cost of making the improvement (all labor, material and overhead) \$ 330,000

12. Estimated market value of property after the improvements \$ _____


Applicant's Certification And Signature

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

Applicant  Date 10/16/23

Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization  Date 10-26-2023

Action Of Governing Body

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

Approval is subject to the following conditions: _____

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

Chairperson _____ Date _____



AIC

October 24, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2201 Victoria Rose Dr. S as submitted by Regan and Amanda Miller. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$0 with the City of Fargo's share being \$0.

Sincerely,

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

Mike Splonskowski
City Assessor

nlb
attachment

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

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lot 7 Block 1 Rose Creek 3rd

2. Address of Property 2201 Victoria Rose Dr S

3. Parcel Number 01-2484-00070-000

4. Name of Property Owner Regan & Amanda Miller Phone No. 402-206-9537

5. Mailing Address of Property Owner 2201 Victoria Rose Dr S

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Master bath remodel

7. Building permit No. D00018 8. Year built (residential property) 1991

9. Date of commencement of making the improvements 01/2023

10. Estimated market value of property before the improvements \$ 520,000

11. Cost of making the improvement (all labor, material and overhead) \$ 15,000

12. Estimated market value of property after the improvements \$ No value added

Applicant's Certification And Signature

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

Applicant Amanda Miller / [Signature] Date 10/13/2023

Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization [Signature] Date 10-26-2023

Action Of Governing Body

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

Approval is subject to the following conditions: _____

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

Chairperson _____ Date _____



(Ald)

October 20, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4444 Carrie Rose Ln as submitted by Mark and Elizabeth Payne. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$177 with the City of Fargo's share being \$53.

Sincerely,

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

Mike Splonskowski
City Assessor

nlb
attachment

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lot 1 Block 1 Summit Chase

2. Address of Property 4444 Carrie Rose Ln S

3. Parcel Number 01-2940-00010-000

4. Name of Property Owner Mark & Elizabeth Payne Phone No. 718-234-9471

5. Mailing Address of Property Owner 4444 Carrie Rose Ln S

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding

7. Building permit No. 23060371 8. Year built (residential property) 1990

9. Date of commencement of making the improvements 06/22/2023

10. Estimated market value of property before the improvements \$ _____

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

12. Estimated market value of property after the improvements \$ _____

Applicant's Certification And Signature

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

Applicant [Signature] Date 10/10/23

Assessor's Determination And Signature

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

Assessor Director of Tax Equalization [Signature] Date 10-26-2023

Action Of Governing Body

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

Approval is subject to the following conditions: _____

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

Chairperson _____ Date _____



Handwritten initials "He" inside a hand-drawn circle.

October 19, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1637 11 St N as submitted by GMM Properties LLC. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$26 with the City of Fargo's share being \$8.

Sincerely,

Handwritten signature of Mike Splonskowski in black ink.

Mike Splonskowski
City Assessor

nlb
attachment

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

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lt 15, Blk 10, Chandlers Broadway

2. Address of Property 1637 11 St N

3. Parcel Number 01-0380-02250-000

4. Name of Property Owner GMM Properties LLC Phone No. _____

5. Mailing Address of Property Owner 4429 Woodhaven Dr S - 58104

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Replace siding

7. Building permit No. 2305-0686 8. Year built (residential property) 1949

9. Date of commencement of making the improvements May 2023

10. Estimated market value of property before the improvements \$ 178,300

11. Cost of making the improvement (all labor, material and overhead) \$ 3500

12. Estimated market value of property after the improvements \$ 186,600

Applicant's Certification And Signature

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

Applicant *Ann Filler* Date 10/16/2023

Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization *Mike Glombicki* Date 10-26-2023

Action Of Governing Body

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

Approval is subject to the following conditions: _____

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

Chairperson _____ Date _____



41f

October 17, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1126 Oak St N as submitted by Rodney and Jane Capistran T/O/D. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$75 with the City of Fargo's share being \$23.

Sincerely,

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

Mike Splonskowski
City Assessor

nlb
attachment

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

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lot: 19, Block: 6, Addition Name: Hectors

2. Address of Property 1126 Oak St N, Fargo, ND 58102

3. Parcel Number 01-1160-01290-000

4. Name of Property Owner Capistran, Rodney W & Jane L T/O/D Phone No. (701) 367-4201

5. Mailing Address of Property Owner 1126 Oak St N, Fargo, ND 58102

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Adding Bathroom to basement (approx. 8x7). Work includes flooring, fixtures, ventilation, plumbing and electrical.

7. Building permit No. 2303-0493-REN 8. Year built (residential property) 1949

9. Date of commencement of making the improvements March 28th, 2023

10. Estimated market value of property before the improvements \$ 185,400

11. Cost of making the improvement (all labor, material and overhead) \$ 20,609⁵⁸

12. Estimated market value of property after the improvements \$ 206,009⁵⁸

Applicant's Certification And Signature

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

Applicant *Jane L. Capistran* Date 4 Oct. 2023

Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization *Walter J. ...* Date 10-26-2023

Action Of Governing Body

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

Approval is subject to the following conditions: _____

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

Chairperson _____ Date _____



October 17, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 732 Ironwood Ct S as submitted by John and Joann Lawrence. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$0 with the City of Fargo's share being \$0.

Sincerely,

A handwritten signature in cursive script that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lot 3 Block 4 Harwood Groves 5th

2. Address of Property 732 Ironwood Ct S

3. Parcel Number 01-1148-00220-000

4. Name of Property Owner John & Joann Lawrence Phone No. 701 232 3810

5. Mailing Address of Property Owner 732 Ironwood Ct S

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Master bath remodel

7. Building permit No. 23020293 8. Year built (residential property) 1993

9. Date of commencement of making the improvements 02/22/2023

10. Estimated market value of property before the improvements \$ _____

11. Cost of making the improvement (all labor, material and overhead) \$ 14,500⁰⁰

12. Estimated market value of property after the improvements \$ No value change

Applicant's Certification And Signature

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

Applicant John Lawrence Date 9-28-2023

Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization Christi Glombicki Date 10-16-2023

Action Of Governing Body

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

Approval is subject to the following conditions: _____

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

Chairperson _____ Date _____



Alh

October 17, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3614 21 St S as submitted by Christopher and Bethany Myhre. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$155 with the City of Fargo's share being \$47.

Sincerely,

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

Mike Splonskowski
City Assessor

nlb
attachment

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

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lot: 12, Block: 7, Addition Name: South
Pointe 3rd

2. Address of Property 3614 21 St S, Fargo ND, 58104

3. Parcel Number 01-2832-01020-000

4. Name of Property Owner Myhre, Christopher & Bethany L Phone No. (701) 200-2468

5. Mailing Address of Property Owner 3614 21 St S, Fargo ND, 58104

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Bathroom Renovation includes replacing shower window removal of existing tub/surround, insallation of new shower, vanity and flooring, reframing WIC with pocket doors, etc.

7. Building permit No. 2307-0148-REN 8. Year built (residential property) 1988

9. Date of commencement of making the improvements July 11th, 2023

10. Estimated market value of property before the improvements \$ 441,100

11. Cost of making the improvement (all labor, material and overhead) \$ 90,000

12. Estimated market value of property after the improvements \$ _____

Applicant's Certification And Signature

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

Applicant *[Signature]* Date 10/8/23

Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization *[Signature]* Date 10-26-2023

Action Of Governing Body

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

Approval is subject to the following conditions: _____

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

Chairperson _____ Date _____



41i

October 17, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 213 30 Ave N as submitted by Carolyn Lieb-Jorgesen and Blaine Jorgensen. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$83 with the City of Fargo's share being \$25.

Sincerely,

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

Mike Splonkowski
City Assessor

nlb
attachment

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

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lot W 80 FT OF 12. Block 10
Addition Name: Edgewood 2nd

2. Address of Property 213 30th Ave N, Fargo, ND 58102

3. Parcel Number 01-0730-01060-000

4. Name of Property Owner Lieb-Jorgenson, Carolyn and Jorgenson, Blaine S Phone No. (701) 367-0227

5. Mailing Address of Property Owner 213 30th Ave N, Fargo, ND 58102

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Basement Remodel: Minimum ceiling height of 7', extend openings and removal of wall in hallway. Sufficient size headers over any new span(s). Smoke and CO detectors per code

7. Building permit No. 2212-0576-REN 8. Year built (residential property) 1969

9. Date of commencement of making the improvements December 27th, 2022

10. Estimated market value of property before the improvements \$ 253,100

11. Cost of making the improvement (all labor, material and overhead) \$ 81,903.69

12. Estimated market value of property after the improvements \$ _____

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.
 Applicant Carolyn Lieb-Jorgenson-Blaine S. Jorgenson Date 10-8-23

Assessor's Determination And Signature

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

Assessor Director of Tax Equalization *Keith Gloubeck* Date 10-26-2023

Action Of Governing Body

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

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

Chairperson _____ Date _____



41j

October 17, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1401 4 St N as submitted by Ethan Foster. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$550 with the City of Fargo's share being \$166.

Sincerely,

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

Mike Splonskowski
City Assessor

nlb
attachment

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

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lot: 9, Block: 2 REPLAT OF W 668.4 FT OF BLKS 1 & 2, Addition Name: El Zagel Replat

2. Address of Property 1401 4 St N, Fargo ND, 58102

3. Parcel Number 01-0761-00270-000

4. Name of Property Owner Foster, Ethan Breuhl Phone No. (913) 523-4171

5. Mailing Address of Property Owner 1402 3 St N, Fargo, ND 58102

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Remodel main and lower levels of home. Divide large room to create 2 bedrooms, and hall. Install egress windows in bedrooms. Relocate walls in lower level to create a rec and storage room.

7. Building permit No. 2211-0476-REN 8. Year built (residential property) 1973

9. Date of commencement of making the improvements November 16th, 2022

10. Estimated market value of property before the improvements \$ 326,900

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

12. Estimated market value of property after the improvements \$ _____

Applicant's Certification And Signature

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

Applicant _____ Date _____

Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization *Thita J. [Signature]* Date 10-26-2023

Action Of Governing Body

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

Approval is subject to the following conditions: _____

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

Chairperson _____ Date _____



AK

October 17, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4442 Carrie Rose Ln S as submitted by Jeffrey and Rebecca Ledoux. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$175 with the City of Fargo's share being \$53.

Sincerely,

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

Mike Splonskowski
City Assessor

nlb
attachment

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

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lot 2 Block 1 Summit Chase

2. Address of Property 4442 Carrie Rose Ln S

3. Parcel Number 01-2940-00020-000

4. Name of Property Owner Jeffrey & Rebecca LeDoux Phone No. 701-371-5950

5. Mailing Address of Property Owner 4442 Carrie Rose Ln S

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding

7. Building permit No. 23060371 8. Year built (residential property) 1990

9. Date of commencement of making the improvements 06/22/2023

10. Estimated market value of property before the improvements \$ _____

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

12. Estimated market value of property after the improvements \$ _____

Applicant's Certification And Signature

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

Applicant: Jeffrey & Rebecca LeDoux Date: 10/6/23

Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization Walter J. Lombardi Date 10-26-2023

Action Of Governing Body

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

Approval is subject to the following conditions: _____

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

Chairperson _____ Date _____



October 17, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2610 Evergreen Rd N as submitted by Terrance Fortier T/O/D. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$0 with the City of Fargo's share being \$0.

Sincerely,

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

Mike Splonskowski
City Assessor

nlb
attachment

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

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

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

Property Identification

1. Legal description of the property for which exemption is claimed Lot: 4, Block: 3, Addition Name: Woodcrest

2. Address of Property 2610 Evergreen Road N, Fargo, ND, 58102

3. Parcel Number 01-4040-00350-000

4. Name of Property Owner Fortier, Terrance M T/O/D Phone No. (701) 235-0616

5. Mailing Address of Property Owner 2610 Evergreen Road N, Fargo, ND, 58102

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Installing 8 wall anchors to stabilize the wall

7. Building permit No. 2306-0640-REN 8. Year built (residential property) 1965

9. Date of commencement of making the improvements June 22nd, 2023

10. Estimated market value of property before the improvements \$ 349,400

11. Cost of making the improvement (all labor, material and overhead) \$ 9,000

12. Estimated market value of property after the improvements \$ No Value Change

Applicant's Certification And Signature

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

Applicant Terrance M Fortier Date 10-5-'23

Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization Mike Gloukhovsk Date 10-24-2023

Action Of Governing Body

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

Approval is subject to the following conditions: _____

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

Chairperson _____ Date _____