

FARGO CITY COMMISSION AGENDA  
Monday, August 28, 2017 - 5:00 p.m.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, August 14, 2017).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Receive and file an Ordinance Amending Section 25-1509, of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.
- 2. 1st reading of the following Ordinances:
  - a. Relating to Use of a Wireless Communication Device Prohibited.
  - b. Relating to Distracted Driving.
  - c. Relating to Classification of Ordinance Violations.
- 3. 2nd reading, waiving reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Osgood Townsite Fifteenth Addition.
- 4. Resolution related to the Roberts Street Parking Ramp – Kesler Parcel at 624 2nd Avenue North.
- 5. Applications for Games of Chance:
  - a. YWCA Cass Clay for a raffle on 9/7/17.
  - b. Nativity Church of Fargo for a raffle on 11/5/17.
  - c. River Keepers for a raffle on 10/1/17.
  - d. 4 Luv of Dog Rescue for a raffle on 11/11/17.
  - e. Assistive for a raffle on 9/25/17; Public Spirited Resolution.
- 6. Professional Services Agreement with the Greater Fargo Moorhead Economic Development Corporation.
- 7. Agreement for Services with Samantha Nienow to build an online training module for the Child Care Physical Activity Step 1.
- 8. Notice of Grant Award for the Title X Family Planning Program services (CFDA Nos. 93.217 and 93.994).
- 9. Letter of Agreement for Consultant Services with A. Straus & Associates, Inc. dba Maverick & Boutique in an amount not to exceed \$49,000.00 for strategic planning at the Fargo Public Library.
- 10. Resolution establishing a name for the existing public right of way to Roberts Alley.

11. Change Order No. E-1 for an increase of \$24,658.36 for the Police Department Remodeling Project at the Border States Electric Building (electrical construction contract).
12. Interlocal Agreement with Cass County and allocation of the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funding in the amount of \$47,021.00 (CFDA #16.738).
13. Forward Contract with Hartland Fuel Products for fuel purchasing in the 1st and 2nd Quarters of 2018.
14. Purchase of one anti-ice skid from Northern Truck Equipment Corporation in the amount of \$29,980.00.
15. Purchase of one brush chipper from Trenchers Plus in the amount of \$68,200.00.
16. Permanent Easement (Underground Utility) with Val-Ed Joint Venture LLP for City owned property at 302 42nd Street South.
17. Waiver from Sheyenne River Setback Ordinance for improvements to the Sheyenne River Pump Station at 6832 52nd Avenue South.
18. Change Order No. 1 for an increase of \$51,289.97 for Project No. FM-15-B2.
19. Final Balancing Change Order No. 3 for an increase of \$1,941.10 for Project No. FM-14-62.
20. Bid award for Project No. UR-17-F1.
21. Bid advertisement for Project Nos. FM-17-B and TR-17-A.
22. Contracts and bonds for Project No. EP-17-A and The Fargo Project – Overlook, Natural Play, Trails.
23. Change Orders for Project No. WA1301
  - a. No. 11 for an increase of \$71,950.00 for the general construction contract.
  - b. No. 9 for an increase of \$25,724.23 for the mechanical construction contract.
24. Bills.
25. Declaration of Easement (Street and Utility) for Improvement District No. PR-17-A0.
26. Final Balancing Change Order No. 2 for an increase of \$18,741.20 for Improvement District No. BN-15-M1.
27. Amended Final Balancing Change Order No. 3 for a decrease of \$31,532.20 for Improvement District No. UR-15-B1.
28. Change Order No. 1 for an increase of \$76,991.99 for Improvement District No. BN-17-B1.
29. Bid award for Improvement District No. BN-17-H1.
30. Contracts and bonds for Improvement District Nos. PR-17-F1, SL-17-E1 and UN-15-B1.

**REGULAR AGENDA:**

31. Presentation from the Fargo Policy Fellowship on affordability in Fargo.
32. Public Hearings - 5:15 pm:
  - a. Application filed by R & R LLC d/b/a Reese Riley Bistro for a Class "GH" Alcoholic Beverage License at 2653 45th Street South.
  - b. Application filed by Dakota Pie LLC d/b/a Blaze Pizza for a Class "GH" Alcoholic Beverage License at 1443 42nd Street South.
  - c. Original Townsite Addition (111 9th Street South); approval recommended by the Planning Commission on 8/1/17:
    1. Zoning change from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use.
    2. 1st reading of rezoning Ordinance.
  - d. Renaissance Zone Project for DFI Dillard LLC for a new construction project located at 223 and 229 Roberts Street North.
33. Consider the Fifth Amendment to the Development Agreement with Block 9 Partners LLC.
34. Recommendation to appoint Nathan Larson to the Historic Preservation Commission.

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

Minutes are available on the City of Fargo web site at [FargoND.gov/citycommission](http://FargoND.gov/citycommission).

(31)

**MEMORANDUM**

**TO:** City Commission

**FROM:** Tyrone Grandstrand, <sup>TG</sup> Assistant Planner, Community Development

**DATE:** August 24, 2017

**SUBJECT:** Fargo Policy Fellowship Presentation on Affordability in Fargo

The Fargo Policy Fellowship is an 8-week intensive fellowship that gives university students and recent graduates an opportunity to work on an important policy area for the City of Fargo. In this inaugural year of the program, three students from regional universities collaborated with Planning and Development staff on the issue of affordability: Catlyn Christie, Katie Black, and Mary-Bianca Fuller.

The fellows spent two weeks learning the basics of policy analysis – in these two weeks we covered the reading and discussions of an entire graduate level introductory class in policy analysis. The remaining six weeks were spent intensively studying affordability, the costs of living, what the drivers of those costs are, and how the local economy interacts with these factors. This included many stakeholder interviews. The three fellows have prepared a presentation that they will share.

The policy area of affordability was selected from the focus areas identified earlier this year by interviewing residents of the Roosevelt Neighborhood and other core neighborhoods.



MEMORANDUM

B2a

**TO:** Chief David Todd

**FROM:** Sergeant Matt Christensen

**DATE:** August 3<sup>rd</sup>, 2017

**SUBJECT:** Application for a Class "GH" Alcoholic Beverage License for R & R LLC d/b/a: Reese Riley Bistro to be located at 2653 45<sup>th</sup> Street South Fargo, ND.

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

During this investigation I questioned the applicant's criminal background, credit history, past residence history as well as any interaction they have had with law enforcement in any state.

The following information was discovered through this investigation:

**Matthew Michael Berreth-Owner**

**Criminal History-**

- Mr. Berreth was arrested in November of 2016 for Domestic Violence where he threw a water bottle at his girlfriend striking her in the face causing a bruise. Mr. Berreth ended up pleading guilty to Disorderly Conduct in relation to the Domestic Violence and received a deferred sentence for 3 months and 3 months of unsupervised probation.
- Mr. Berreth pled guilty in March of 2017 to Simple Assault that occurred in November of 2016 where he assaulted a male that was in his apartment hanging out with his ex-girlfriend who he lived with at the time. Mr. Berreth received 30 days in jail, all suspended and a \$400 fine.
- Mr. Berreth was charged in September of 2012 with Criminal Trespass for being on the property of his then ex-girlfriend which he had been previously trespassed from. Mr. Berreth was found guilty of Criminal Trespass in February of 2013 and received 16 hours of community service and a \$325 fine.

**Credit History-**

- Mr. Berreth has a low end Credit Score of 600, because of a small number of accounts (3). Mr. Berreth does currently have one account assigned to a Collection Agency that is past due with an unpaid balance of \$83, which he is working to pay.
- No other credit issues were noted.

### **Christine Mary Deibel-Operator/Manager**

#### **Criminal History-**

- Ms. Deibel is currently the Defendant in an ongoing criminal case in Anoka County, MN. The case involves a vehicle of Ms. Deibel's that was stolen in 2008. Ms. Deibel collected an insurance payment for the vehicle. A few months later, the vehicle was recovered and Ms. Deibel took possession of the vehicle. The insurance company then tried to take possession of the vehicle from Ms. Deibel which took several months. Anoka County currently has pending theft charges against Ms. Deibel because of this case.
- Ms. Deibel explained to me that she was contacted by the DMV that her vehicle was recovered and that she needed to pick it up or she would be charged for the storage of the recovered vehicle.
- Ms. Deibel told me that the insurance company would not come and get it and it was not until 2016 that they came to take possession of the vehicle, and are now claiming that she was in possession of the vehicle illegally.
- The next court date related to this is in August of 2017. Ms. Deibel said she is trying to get a resolution to this case but the court proceedings keep getting continued.
- There are no other criminal issues noted for Ms. Deibel.

#### **Credit History-**

- Filed for Bankruptcy in 2012. Prior to that there were some outstanding debt issues, including four civil judgements against Ms. Deibel. These were taken care of by the Bankruptcy filing in 2012. Due to these issues, Ms. Deibel does have a low credit rating (568).
- There are no new issues regarding her credit at this time.

### **Investigation Notes**

This is the second application for this business after being denied the first time. This application has an added applicant, Mr. Berreth, as well as the previous applicant, Christine Deibel. In speaking with Deibel, she stated Berreth was not included on the first application because they were working on financing issues at that time and they were not sure whether he would be able to be involved with the business. Since that application, he has become a partner with Deibel. Deibel also stated it would be difficult for her to try to run two businesses at the same time as she does currently have a similar business in Champlain, MN. The Reese Riley Bistro will be a restaurant specializing in different types of oils and vinegars. There will be cooking classes and wine tastings at this location. Ms. Deibel's other similar business in Champlain, MN, is called Thomas Reese Olive Oil. The liquor license for that business was approved by the Champlain city council in June of 2017. There was a small issue with this business in December of 2016 when it closed abruptly. It has since re-opened in the same location, and Ms. Deibel explained the reason for the closing was because of a divorce with her then husband who she ran the business with.

**Business Location**

The Reese Riley Bistro will be located at 2653 45<sup>th</sup> Street South Fargo, ND. Other businesses in the area with an alcoholic beverage license include; Golf Addiction, La Quinta Inn & Suites, People's Organic Café, Old Chicago, Applebee's, Famous Dave's,

**Conclusion**

I believe I have discovered all information related to the listed applicant(s) and all information related to the issuance of the requested liquor license. I have provided this completed background investigation to Fargo Police Chief David Todd for his review and recommendation.

## APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Company name (LLC, Inc): Reese and Riley's, LLC

Doing business as: \_\_\_\_\_

Business address (location): 2653 45th St S Fargo, ND 58104

Mailing address: PO Box 74, Moorhead, MN 56561

Business e-mail address: reeseandrileys@gmail.com

Phone number: (763) 360-2824 Other number: (\_\_\_\_) \_\_\_\_\_

**The following section to be completed by City Staff:**

Date Received by Auditor's Office: \_\_\_\_\_

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

Reviewed – Police Department by: \_\_\_\_\_ Date: \_\_\_\_\_

Comments (or see attached report):

\_\_\_\_ Approval Recommendation

X Denial Recommendation BASED ON BACKGROUNDS

[Signature]

Chief of Police

08/14/17

Date

Reviewed – Liquor Control Committee on (date): \_\_\_\_\_

\_\_\_\_ Approval Recommendation

\_\_\_\_ Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date): \_\_\_\_\_

\_\_\_\_ Approval

\_\_\_\_ Denial



## APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Company name (LLC, Inc): Reese and Riley's, LLC

Doing business as: \_\_\_\_\_

Business address (location): 2653 45th St S Fargo, ND 58104

Mailing address: PO Box 74, Moorhead, MN 56561

Business e-mail address: reeseandrileys@gmail.com

Phone number: (763) 360-2824 Other number: (\_\_\_\_) \_\_\_\_\_

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Reviewed – Police Department by: \_\_\_\_\_ Date: \_\_\_\_\_

Comments (or see attached report):

\_\_\_\_\_ Approval Recommendation

\_\_\_\_\_ Denial Recommendation

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date

Reviewed – Liquor Control Committee on (date): \_\_\_\_\_

\_\_\_\_\_ Approval Recommendation

\_\_\_\_\_ Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date): \_\_\_\_\_

\_\_\_\_\_ Approval

\_\_\_\_\_ Denial

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

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

Authorizes the licensee to sell wine and sparkling wine "on-sale" only, served at table or booth, no bar. Requires 50% food sales.

~~A~~ Class H

Authorizes the licensee to sell beer "on-sale" only, served at table or booth, with no bar allowed and requires 50% food sales.

( ) Class I

Authorizes the licensee to sell beer, wine, and sparkling wine "on-sale" only. A physical bar is allowed and requires 65% food sales.

( ) Class I Entertainment

Authorizes the Licensee to sell "on-sale" only of beer, wine and sparkling wine in a recreational establishment or place of amusement. A physical bar is allowed and 65 % of non-alcohol sales required.

( ) Class J

Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.

( ) Class L

Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.

( ) Class M

Authorizes the licensee to operate a Microbrew Pub or Domestic Winery and sell "on-sale" and "off-sale" offered in conjunction with another license. Allows the sale of Growlers.

( ) Class N

Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2500.

( ) Class O

Authorizes the licensee to operate a winemaker and/or vendor of winemaking supplies and related services.

( ) Class P

Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale". Allows limited beer sales.

( ) Class RZ-V

Authorizes the licensee to sell "on-sale" only, located in an approved Renaissance Zone. The venue should be designed and intended to be used as a private event center or entertainment venue with square footage of at least 10,000 square feet and capacity of at least 300 people. The Venue must derive 60% or more of its annual gross receipts from the sale of tickets.

( ) Class W

Authorizes the licensee to sell wine and sparkling wine "on-sale" only. A physical bar is allowed and no food sales required.

( ) Class Y

Shall authorize the production brewery to obtain a brewer license and a retailer license. Must be licensed by the State Tax Commissioner. No food sales required.

( ) Class Z

Authorizes the licensee to sell "on-sale" only issued to individuals not currently holding another "A", "AB", "ABH", or "ABH-RZ". A physical bar is allowed and no food sales required.

# The following section to be completed by the applicant:

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

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

Applicant printed name: MATTHEW J. BROWN Signature: MATTHEW J. BROWN

Applicant printed name: \_\_\_\_\_ Signature: \_\_\_\_\_

Applicant printed name: \_\_\_\_\_ Signature: \_\_\_\_\_

**Applicant Information:** (2 pages)

Name: Matthew Michael Benneth  
 (first) (middle) (last) (maiden name)

Address: 1801 18th St S Fargo ND 58103  
 (address) (city) (state & zip)

How long have you lived at this address? 2 months

Provide your address history for the past 5 years:

From 2015 to 2017 Address: 3605 Bell Blvd, West Fargo, ND 58078

From 2010 to 2015 Address: 3534 32nd St S, Fargo ND 58104

E-mail address: reese and rileys@gmail.com

Home phone number: (703) 360-2826 Other number: (701) 412 6102

Date of Birth: 7/15/92 Place of Birth: Bemidji, MN

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

DL#: BER-92-0775 State of Issue: ND Dates: 2008-2017

DL#: \_\_\_\_\_ State of Issue: \_\_\_\_\_ Dates: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

From: 2016 to 2017 Business name: Amidley Technology

Address: 2800 7th Ave. N Fargo ND 58102 Position/Title: Assembly Tech

From: 2005 to 2016 Business name: Family Farms

Address: Bismarck / mandan Position/Title: farm / Shop hand

From: 2015 to 2017 Business name: Thomas Reese Olive Oil Co

Address: Champion mn Position/Title: Cook / manager

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

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

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

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

**Operator/Manager Information**

Are you going to operate/manage this business personally?

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

Name:

Christine Mary Deibel Conrad  
(first) (middle) (last) (maiden name)

Address:

4523 Blue Stem Way Moorhead MN 56560  
(address) (city) (state & zip)

Home phone number: (763) 360 2826 Other number (\_\_\_\_) \_\_\_\_\_

Date of Birth: 10/17/81 Place of Birth: Bismarck, ND

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



# APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business/Company name: Dakota Pie, LLC

Doing business as: Blaze Pizza

**The following section to be completed by City Staff:**

Date Received by Auditor's Office: 4/29/17

Investigations Fee Paid (\$250) ☒ Yes ☐ No Date Paid: 4/29/17

Check # 1008

Reviewed – Health Department by: \_\_\_\_\_ Date: \_\_\_\_\_  
Comments (or see attached report): \_\_\_\_\_

Reviewed – Fire Department by: \_\_\_\_\_ Date: \_\_\_\_\_  
Comments (or see attached report): \_\_\_\_\_

Reviewed – Inspections Division by: \_\_\_\_\_ Date: \_\_\_\_\_  
Comments (or see attached report): \_\_\_\_\_

Reviewed – Police Department by: \_\_\_\_\_ Date: \_\_\_\_\_  
Comments (or see attached report): \_\_\_\_\_

\_\_\_\_\_ Approval Recommendation \_\_\_\_\_ Denial Recommendation

\_\_\_\_\_  
Chief of Police Date

Reviewed – Liquor Control Committee on (date): \_\_\_\_\_

\_\_\_\_\_ Approval Recommendation \_\_\_\_\_ Denial Recommendation  
(See attached comments or minutes)

Reviewed – City Commission on (date): \_\_\_\_\_

\_\_\_\_\_ Approval \_\_\_\_\_ Denial  
(See attached minutes)



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

- ( ) Class A Authorizes the licensee to sell "on-sale" only.
- ( ) Class B Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- ( ) Class B "Limited" Authorizes the licensee to sell "off-sale" only. License is Non Transferable. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- ( ) Class AB Authorizes the licensee to sell "on-sale" or "off-sale". "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
- ( ) Class ABH Authorizes the licensee to sell "on-sale" or "off-sale", at hotels & motels with 100 or more guest rooms only.
- ( ) Class ABH "Limited" Authorizes license may be issued to persons engaging in "on-sale" of beer and wine or hosting "manager's specials," solely for guests or patrons of extended stay and limited service hotels or motels
- ( ) Class ABH-RZ Authorizes the licensee to sell "on-sale" or "off-sale", at hotels in Renaissance Zone with 15 guestrooms.
- ( ) Class C Authorizes the licensee to sell beer "on-sale" only.
- ( ) Class D Authorizes the licensee to sell beer "off-sale" only.
- ( ) Class DD License shall only be issued to a domestic distillery owner or operator who has obtained a license from the ND State Tax Commissioner.
- ( ) Class E In nature of a special permit, shall authorize the holder of an existing "on-sale" license in the sale of On-sale only alcoholic beverages on such premises designated on the permit.
- ( ) Class F Authorizes the licensee to sell "on-sale" only served at table or booth; no bar allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- ( ) Class FA Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
- ( ) Class FA-RZ Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Required to be in the Renaissance Zone. No gaming and no "E" permits allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages. The initial fee is ½ of the FA license.
- ( ) Class FA-Golf On USGA Golf Course or 9 or more holes. Requires 25% receipts of food sales from April to October and 50% the rest of the year.

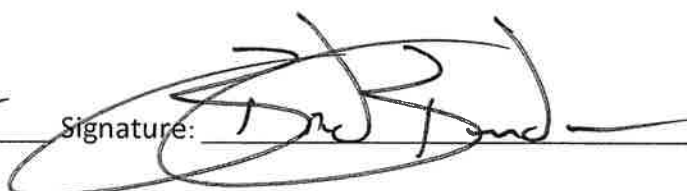
- ( ) Class FA-Entertainment Authorizes the licensee to sell "on-sale" only, in a place of amusement or in a recreational establishment.
- ~~X~~ Class G Authorizes the licensee to sell wine and sparkling wine "on-sale" only, served at table or booth, no bar. Requires 50% food sales.
- ~~X~~ Class H Authorizes the licensee to sell beer "on-sale" only, served at table or booth, with no bar allowed and requires 50% food sales.
- ( ) Class I Authorizes the licensee to sell beer, wine, and other sparkling wine "on-sale" only. A physical bar is allowed and requires 50% food sales.
- ( ) Class I Entertainment Authorizes the Licensee to sell "on-sale" only of beer, wine and sparkling wine in a recreational establishment or place of amusement.
- ( ) Class J Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.
- ( ) Class L Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.
- ( ) Class M Authorizes the licensee to operate a "Microbrew Pub" and sell "on-sale" and "off-sale" offered in conjunction with another license.
- ( ) Class N Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2500.
- ( ) Class O Authorizes the licensee to operate a winemaker and/or vendor of winemaking supplies and related services.
- ( ) Class P Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale". Allows limited beer sales.
- ( ) Class RZ-V Authorizes the licensee to sell "on-sale" only, located in an approved Renaissance Zone. The venue should be designed and intended to be used as a private event center or entertainment venue with square footage of at least 10,000 square feet and capacity of at least 300 people. The Venue must derive 60% or more of its annual gross receipts from the sale of tickets.
- ( ) Class W Authorizes the licensee to operate a wine bar, serving wine and limited beer "on-sale". A physical bar is allowed and requires 20% food sales.
- ( ) Class Y Shall authorize the production brewery to obtain a brewer license and a retailer license.
- ( ) Class Z Authorizes the licensee to sell "on-sale" only issued to individuals and partnership not currently holding another "A", "AB", ABH", or "ABH-RZ". This license is non-refundable.

**The following section to be completed by the applicant:**

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

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

Applicant printed name: Bred Bender

Signature: 

Applicant printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Applicant printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

**The following section to be completed by the applicant:**

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

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

Applicant printed name: Michael Smisky Signature: Michael Smisky

Applicant printed name: \_\_\_\_\_ Signature: \_\_\_\_\_

Applicant printed name: \_\_\_\_\_ Signature: \_\_\_\_\_

Business/Company Name: Dakota Pie, LLC

Doing business as: Blaze Pizza

Business address (location): 1443 S. 42<sup>nd</sup> ST Fargo, ND 58103

Mailing address: 3801 LOCKPORT STREET, STE #3 BISMARCK, ND 58501

Legal description of the premises to be licensed:

1-STORY 2800 S.F. FREE STANDING BUILDING. MAIN PURPOSE IS TO SERVE FAST-FIRED ARTISINAL PIZZA IN A COMMUNITY WHERE PEOPLE CAN CONNECT.

Does applicant wish to describe, depict, or otherwise identify various areas or spaces within the building which shall constitute the licensed premises in accordance with Section 25-1501, Subsection 8? ☐ Yes ☐ No

Is the premises now occupied by another business? ☐ Yes ☒ No

Type of business currently there: \_\_\_\_\_

Mailing address: \_\_\_\_\_  
(address) (city) (state & zip)

Business e-mail address: \_\_\_\_\_

Phone number: (\_\_\_\_) \_\_\_\_\_ Other number: (\_\_\_\_) \_\_\_\_\_

Do you own or rent the property where the license will be used? ☐ Own ☒ Rent

If you rent, provide the following information:

Plaza Four-Ten Liquors Inc 4614 Amber Valley Parkway S. Fargo, ND 58104  
(name) (address) (city) (state & zip)

If you are the owner of the property, are there any delinquent taxes against the premises?

☐ Yes ☐ No If "yes", in what amount? \_\_\_\_\_

**Applicant Information:**

Name: Michael JAMES Srnsky  
 (first) (middle) (last) (maiden name)

Address: 4519 12<sup>th</sup> Street West, West Fargo, ND 58078  
 (address) (city) (state & zip)

How long have you lived at this address? 3 yrs. - 2 months

Provide your address history for the past 5 years:

From 2009 to 2014 Address: 952 38<sup>th</sup> 1/2 Ave West, West Fargo, ND 58078

From \_\_\_\_\_ to \_\_\_\_\_ Address: \_\_\_\_\_

E-mail address: mike.srnsky@yahoo.com

Home phone number: (701) 426-0608 Other number: (\_\_\_\_) \_\_\_\_\_

Date of Birth: 5-21-70 Place of Birth: Grand Forks, ND

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

DL#: SPN-70-1174 State of Issue: North Dakota Dates: 2-18-2015 to 5-21-201

DL#: \_\_\_\_\_ State of Issue: \_\_\_\_\_ Dates: \_\_\_\_\_

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

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

\_\_\_\_\_ Yes \_\_\_\_\_ No If "yes," where and when?

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

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

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

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

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

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

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

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

From: 2000 to Current Business name: Fire 6045, BNF, Inc LLC  
 Address: 2877 45th St South, Fargo, ND Position/Title: GM / Area Manager

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

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

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

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

Applebees - I was hired as a mgr. and worked all areas of the restaurant, including the bar area and serving drinks.

Applicant Information:

Name: Bru Steven Bender  
 (first) (middle) (last) (maiden name)

Address: 613 Slate Dr Bismarck ND 58503  
 (address) (city) (state & zip)

How long have you lived at this address? 4 years

Provide your address history for the past 5 years:

From 2013 to current Address: 613 Slate Dr Bismarck, ND 58503

From 2005 to 2013 Address: 10146 45<sup>th</sup> PL NE ST. Michael, MN 55376

E-mail address: brufiveguy@nd.com

Home phone number: ( ) Other number: (405) 387-6201

Date of Birth: 1-21-1974 Place of Birth: Bismarck

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

DL#: BEN-74-4807 State of Issue: ND Dates: 6-2-14

DL#: State of Issue: MN Dates: 2007-2014

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

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

Yes No If "yes," where and when?

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

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

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

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



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

CITY of Albertville Liquor License  
Food License - Fargo, Bismarck, Minot, Grand Forks, Minnesota

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

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

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

From: 2005 to current Business name: Space Aliens - Albertville Five Guys - ND

Address: \_\_\_\_\_ Position/Title: Owner

From: 2012 to current Business name: Five Guys Burgers & Fries

Address: Fargo, Bismarck, Minot, Grand Forks Position/Title: owner

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

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

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

Space Aliens Grill & Bar - Albertville, MN

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

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

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

☒ Yes ☐ No If "yes", describe below:

Manager Space Aliens Bismarck - 1997 - 2000  
Manager Space Aliens Fargo - 2000 - 2005  
owner Space Aliens Albertville - 2005 - current

**Partnership/Corporation Information** (ALL Partners, Corporate Shareholders and Directors holding 5% or more of the outstanding stock must be listed – make copies and use additional pages as needed)

List your business structure: LLC (Partnership, Corporation, LLP, LLC)  
(This section may be copied and pages attached for additional partners.)

Name: Brewley Steven Bender  
(first) (middle) (last) (maiden name)

Address: 613 Slate Dr Bismarck ND 58503  
(address) (city) (state & zip)

How long have you lived at this address? 4 years

Provide your address history for the past 5 years: (Use additional pages if necessary)

From 2005 to 2013 Address: 10146 45<sup>th</sup> PL St. Michael, MN 55376

From 2013 to current Address: 613 Slate Dr Bismarck, ND 58503

E-mail address: bride-fivesuysnd.com

Home phone number: ( ) Other number: (612) 387-6201

Date of Birth: 1-21-1974 Place of Birth: Bismarck

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

DL#: BEU-74-4807 State of Issue: ND Dates: 2014 - current

DL#: State of Issue: MN Dates: 2006 - 2013

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

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

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

Yes X No If "yes", provide the date of arrest, location, charge, and sentence for each conviction:

Have you been issued a citation for any alcoholic-related offense?

Yes X No If "yes", provide the date, location, and charge for each citation:

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

Have any of the above named licenses ever been suspended or revoked?

       Yes   X   No If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7 year period: (Use additional pages if necessary)

From: 2006 to current Business name: Self-Employed - Space Aliens Grill + Bar  
Albertville, MN

Address: 11166 City RD 37 Position/Title: CEO  
Albertville, MN 55301

From: 2012 to current Business name: BLUF, LLC - Five Guys Burger + Fries

Address: Fergus, Bismarck, Minot Position/Title: VP  
Grand Forks

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

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

Space Aliens Grill + Bar - Albertville, MN

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

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

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

  X   Yes        No If "yes", describe below:

1996 - current - Involved in all aspects of Full-Service Restaurant  
"Space Aliens"

Are all officers, directors, and shareholders, holding more than 5% of the outstanding stock 21 years of age or older?

Yes (  X  ) No ( )

Address of Home Office: 3801 Lockport Street, Ste #3 Bismarck, ND 58503

Date Incorporated: May 2015 State of Incorporation: ND

If a subsidiary of any corporation, state name and address of parent corporation:

**Partnership/Corporation Information** (ALL Partners, Corporate Shareholders and Directors holding 5% or more of the outstanding stock must be listed – make copies and use additional pages as needed)

List your business structure: Dakota Pie, Inc LLC (Partnership, Corporation, LLP, LLC)  
(This section may be copied and pages attached for additional partners.)

Name: Michael James Sonsky  
(first) (middle) (last) (maiden name)

Address: 4519 12<sup>th</sup> St West, West Fargo, ND 58078  
(address) (city) (state & zip)

How long have you lived at this address? 3 yrs. - 2 months

Provide your address history for the past 5 years: (Use additional pages if necessary)

From 2009 to 2014 Address: 452 38<sup>th</sup> 1<sup>st</sup> Ave West, West Fargo, ND 58078

From \_\_\_\_\_ to \_\_\_\_\_ Address: \_\_\_\_\_

E-mail address: mike.sonsky@yahoo.com

Home phone number: (701) 426-0608 Other number: ( ) \_\_\_\_\_

Date of Birth: 5-21-70 Place of Birth: Grand Forks, ND

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

DL#: SRN-70-1174 State of Issue: ND Dates: 2-18-15 to 5-21-18

DL#: \_\_\_\_\_ State of Issue: \_\_\_\_\_ Dates: \_\_\_\_\_

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

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

\_\_\_\_\_ Yes ☒ No If "yes", where and when?

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

\_\_\_\_\_ Yes ☒ No If "yes", provide the date of arrest, location, charge, and sentence for each conviction:

Have you been issued a citation for any alcoholic-related offense?

\_\_\_\_\_ Yes ☒ No If "yes", provide the date, location, and charge for each citation:

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

Have any of the above named licenses ever been suspended or revoked?

☐ Yes ☒ No If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7 year period: (Use additional pages if necessary)

From: 2009 to Current Business name: Five Guys, BNF, Inc LLC

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

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

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

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

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

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

☒ Yes ☐ No If "yes", describe below:

*Applebee's - management - worked all areas of restaurant, including the bar and serving drinks*

Are all officers, directors, and shareholders, holding more than 5% of the outstanding stock 21 years of age or older?

Yes ☒ No ☐

Address of Home Office: 3801 Lockport Street, Suite #3, Bismarck, ND 58503

Date Incorporated: May 20, 2015 State of Incorporation: North Dakota

If a subsidiary of any corporation, state name and address of parent corporation:

\_\_\_\_\_

**Partnership/Corporation Information** (ALL Partners, Corporate Shareholders and Directors holding 5% or more of the outstanding stock must be listed – make copies and use additional pages as needed)

List your business structure: LLC (Partnership, Corporation, LLP, LLC)  
(This section may be copied and pages attached for additional partners.)

Name: MORT Bank  
(first) (middle) (last) (maiden name)

Address: 2948 Ridge Place Bismarck ND 58503  
(address) (city) (state & zip)

How long have you lived at this address? 31 years

Provide your address history for the past 5 years: (Use additional pages if necessary)

From \_\_\_\_\_ to \_\_\_\_\_ Address: \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_ Address: \_\_\_\_\_

E-mail address: mobank@msn.com

Home phone number: (701) 258-3475 Other number: (701) 421-5807

Date of Birth: 7/14/47 Place of Birth: Crookston, MN

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

DL#: BAN-47-6962 State of Issue: ND Dates: 5/13/13

DL#: \_\_\_\_\_ State of Issue: \_\_\_\_\_ Dates: \_\_\_\_\_

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

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

\_\_\_\_\_ Yes \_\_\_\_\_ No If "yes", where and when?

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

\_\_\_\_\_ Yes X No If "yes", provide the date of arrest, location, charge, and sentence for each conviction:

Have you been issued a citation for any alcoholic-related offense?

\_\_\_\_\_ Yes X No If "yes", provide the date, location, and charge for each citation:

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

Have any of the above named licenses ever been suspended or revoked?

☐ Yes ☒ No If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7 year period: (Use additional pages if necessary)

From: 1997 to present Business name: Galaxy Investors

Address: 1304 E. Century, Bismarck, ND Position/Title: Owner

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

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

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

Space Aliens Grill & Bar - Bismarck, Fargo

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

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

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

☒ Yes ☐ No If "yes", describe below:

Space Aliens Grill & Bar - Bismarck, Fargo

Are all officers, directors, and shareholders, holding more than 5% of the outstanding stock 21 years of age or older?

Yes (☒) No ( ☐ )

Address of Home Office: 3801 Lockport St SE #3 Bismarck, ND 58503

Date Incorporated: May 2015 State of Incorporation: ND

If a subsidiary of any corporation, state name and address of parent corporation:

\_\_\_\_\_

**Partnership/Corporation Information** (ALL Partners, Corporate Shareholders and Directors holding 5% or more of the outstanding stock must be listed – make copies and use additional pages as needed)

List your business structure: LLC (Partnership, Corporation, LLP, LLC)  
(This section may be copied and pages attached for additional partners.)

Name: Brandon Marshall Helbling  
(first) (middle) (last) (maiden name)

Address: 1704 River Drive NE Mandan ND 58554  
(address) (city) (state & zip)

How long have you lived at this address? 8 years

Provide your address history for the past 5 years: (Use additional pages if necessary)

From \_\_\_\_\_ to \_\_\_\_\_ Address: \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_ Address: \_\_\_\_\_

E-mail address: bhelbling1@gmail.com

Home phone number: (701) 751-2706 Other number: (\_\_\_\_) \_\_\_\_\_

Date of Birth: 2-7-76 Place of Birth: Minneapolis, MN

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

DL#: HEL-76-7684 State of Issue: ND Dates: 1-5-2012

DL#: \_\_\_\_\_ State of Issue: \_\_\_\_\_ Dates: \_\_\_\_\_

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

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

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed)  
\_\_\_\_\_ Yes ☒ No If "yes", provide the date of arrest, location, charge, and sentence for each conviction:

Have you been issued a citation for any alcoholic-related offense?  
\_\_\_\_\_ Yes ☒ No If "yes", provide the date, location, and charge for each citation:



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

Have any of the above named licenses ever been suspended or revoked?

☐ Yes ☒ No If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7 year period: (Use additional pages if necessary)

From: 2008 to Present Business name: Mid-Dakota Clinic

Address: 401 N 9th St, Bismarck ND Position/Title: Surgeon

From: \_\_\_\_\_ to \_\_\_\_\_ Business name: \_\_\_\_\_

Address: \_\_\_\_\_ Position/Title: \_\_\_\_\_

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

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

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

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

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

☐ Yes ☒ No If "yes", describe below:

Are all officers, directors, and shareholders, holding more than 5% of the outstanding stock 21 years of age or older?

Yes ☒ No ( )

Address of Home Office: 3801 Lockport Street, Ste #3 Bismarck, ND 58505

Date incorporated: May 2015 State of Incorporation: ND

If a subsidiary of any corporation, state name and address of parent corporation:

**Partnership/Corporation Information** (ALL Partners, Corporate Shareholders and Directors holding 5% or more of the outstanding stock must be listed – make copies and use additional pages as needed)

List your business structure: LLC (Partnership, Corporation, LLP, LLC)  
(This section may be copied and pages attached for additional partners.)

Name: David A Glaser  
(first) (middle) (last) (maiden name)

Address: 3712 Ridge Way Bismarck ND 58503  
(address) (city) (state & zip)

How long have you lived at this address? 12 yrs

Provide your address history for the past 5 years: (Use additional pages if necessary)

From \_\_\_\_\_ to \_\_\_\_\_ Address: \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_ Address: \_\_\_\_\_

E-mail address: dave@spacealiens.com

Home phone number: (701) 255-3320 Other number: (701) 226-4015

Date of Birth: 10/20/1961 Place of Birth: Bismarck, ND 58503

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

DL#: GLA-61-8540 State of Issue: ND Dates: 1976 - Present

DL#: \_\_\_\_\_ State of Issue: \_\_\_\_\_ Dates: \_\_\_\_\_

Has your driver's license ever been suspended or revoked? ☒ Yes \_\_\_\_\_ No If "yes", where and when?  
Minot, ND 1983

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

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

☒ Yes \_\_\_\_\_ No If "yes", provide the date of arrest, location, charge, and sentence for each conviction:  
DUI - 1983 - Minot, ND. No sentence -

Have you been issued a citation for any alcoholic-related offense?

\_\_\_\_\_ Yes ☒ No If "yes", provide the date, location, and charge for each citation:

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in: State & local liquor license - Galaxy Investors - dba  
Space Aliens Grill & Bar

Have any of the above named licenses ever been suspended or revoked?

     Yes X No If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7 year period: (Use additional pages if necessary)

From: 1996 to Present Business name: Space Aliens Grill & Bar

Address: 3801 Lockport St. Ste. 3 Position/Title: VP/CFO  
Bismarck, ND 58503

From:      to      Business name:     

Address:      Position/Title:     

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

X Yes      No If "yes", list each business below: Space Aliens Grill & Bar

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

X Yes      No If "yes", indicate where, when, and for whom below: See above.

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

X Yes      No If "yes", describe below: See above.

Are all officers, directors, and shareholders, holding more than 5% of the outstanding stock 21 years of age or older?

Yes (X) No ( )

Address of Home Office: 3801 Lockport St. Ste. 3 Bismarck ND 58503

Date Incorporated: 7-21-2015 State of Incorporation: ND

If a subsidiary of any corporation, state name and address of parent corporation:

(326)

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Original Townsite	<b>Date:</b>	07-27-2017
		<b>Update:</b>	08-24-2017
<b>Location:</b>	111 9 <sup>th</sup> Street South	<b>Staff Contact:</b>	Derrick LaPoint
<b>Legal Description:</b>	North 50ft of Lot 11 and Lot 12, Block 16, Original Townsite		
<b>Owner(s)/Applicant:</b>	Brian Nelson/Doug Madsen	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use)		
<b>Status:</b>	City Commission Public Hearing: August 28, 2017		

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

<b>Proposal:</b>
<p>The applicant is seeking a zoning change from MR-3, Multi-Dwelling Residential, to DMU, Downtown Mixed-Use on the North 50ft of Lot 11 and Lot 12, Block 16, Original Townsite. The subject property is located at 111 9<sup>th</sup> Street South.</p> <p>The existing structure has operated as a law office for a number of years and the law office is moving. The existing owner is looking to have another small business come into the space. To accommodate a new business the current zoning district (MR-3, multi-dwelling residential) is not compatible thus spurring the request for DMU. The applicant has no redevelopment plans, only to operate as they have been. I should also note that the property is bounded by DMU on the north and south.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: DMU, Downtown Mixed-Use, with commercial uses</li> <li>• East: Across 9<sup>th</sup> Street South, MR-3, Multi-Dwelling Residential, with commercial and residential uses</li> <li>• South: DMU, Downtown Mixed-Use, with commercial uses</li> <li>• West: MR-3, Multi-Dwelling Residential and DMU, Downtown Mixed-Use, with commercial and residential uses</li> </ul>
<b>Area Plans:</b>
No area plans apply
<b>Schools and Parks:</b>
<b>Schools:</b> The subject property is located within the Fargo School District and is served by Clara Barton Elementary, Ben Franklin Middle and North High schools

**Parks:** Island Park and Island Park Pool are located less than a quarter mile from the subject property and offers recreational trails, tennis courts, cross country ski trails and swimming pools

**Pedestrian / Bicycle:** On road bike facility is located north of the subject property on 1<sup>st</sup> Avenue South, which connects to off road bike facility. These facilities are a component of the metro area trail system.

**Staff Analysis:**

**Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. Since the previous zoning classification was established, the uses and businesses which existed on the subject property are no longer in use.

**(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way which provide access and public utilities to serve the development.

**(Criteria Satisfied)**

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

Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In addition, written notice of the proposal was sent to all property owners within 300 feet of the subject property. Staff also notified the Downtown Neighborhood Association and Neighborhood Coalition. The Neighborhood Coalition held a meeting on Saturday, July 22<sup>nd</sup> and discussed the item. Staff received a number of general inquiries, wanting to know what the development plans were. After explaining the request, the individuals did not have any concerns with the proposed zoning change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.

**(Criteria Satisfied)**

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

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

**(Criteria Satisfied)**

**Planning Commission Recommendation: August 1, 2017**

On August 1, 2017, with a 10-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from MR-3, Multi-Dwelling Residential, to DMU, Downtown Mixed-Use, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission, and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the rezoning

Ordinance on first reading, and move to approve the proposed zoning change from MR-3, Multi-Dwelling Residential, to DMU, Downtown Mixed-Use, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.”

**Attachments:**

1. Zoning Map
2. Location Map

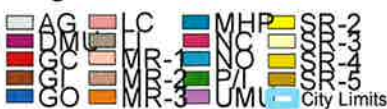
# Zone Change (MR-3 to DMU)

## Original Townsite Addition

111 9th Street South



### Legend





## Zone Change (MR-3 to DMU)

### Original Townsite Addition

111 9th Street South





OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

13202

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN ORIGINAL TOWNSITE ADDITION,  
FARGO, CASS COUNTY, NORTH DAKOTA

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

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on August 1, 2017; and,

WHEREAS, the rezoning changes were approved by the City Commission on August 28, 2017,

NOW, THEREFORE,

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

Section 1. The following described property:

North Fifty (50) feet of Lots 11 (Eleven) and Twelve (12), Block Sixteen (16),  
Original Townsite Addition to the City of Fargo, Cass County, North Dakota,

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

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

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

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

\_\_\_\_\_  
Timothy J. Mahoney, Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:



**PLANNING AND DEVELOPMENT**  
200 Third Street North  
Fargo, North Dakota 58102  
Phone: (701) 241-1474  
Fax: (701) 241-1526  
E-Mail: [planning@cityoffargo.com](mailto:planning@cityoffargo.com)  
[www.cityoffargo.com](http://www.cityoffargo.com)

## **MEMORANDUM**

**TO:** City Commission

**FROM:** Derrick LaPoint, Planner

**DATE:** August 24, 2017

**RE:** Renaissance Zone Application from DFI Dillard LLC (262-F) located at 223 & 229 Roberts Street North

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The city received a Renaissance Zone (RZ) application from DFI Dillard LLC to construct a mixed-used commercial and residential building at 223 and 229 Roberts Street North. The request was reviewed by the Renaissance Zone Authority (RZA) on August 23, 2017.

Pursuant to the application, the intent of the project is to transform private owned surface parking lot sites into a mixed-use structure with ground floor commercial and 89 apartment units above. The proposed building would be 6 stories in height and approximately 93,500 square feet. The applicant is also proposing to create a pedestrian connection between the adjacent Roberts Commons mixed-use parking structure and the apartment floors of the proposed building. The construction would begin September 2017 and the proposed timeframe of opening would be spring of 2019.

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

As indicated in the attached documentation, the project met all state and local requirements for approval and is consistent with a number of goals and objectives as established in the Fargo Renaissance Zone Development Plan. The application indicates an investment of \$13,400,000 which exceeds the minimum investment threshold as set forth in the plan.

The RZA unanimously recommended approval of this project.

Recommended Action: Approve the Renaissance Zone rehabilitation application from DFI Dillard LLC (223 & 229 Roberts Street North) and grant state income tax and property tax exemptions as recommended by the Renaissance Zone Authority.



**Staff Report  
Renaissance Zone Application for  
DFI Dillard LLC (262-F)  
223 Roberts St N & 229 Roberts St N**

**Project Evaluation:**

The City of Fargo received a Renaissance Zone application from DFI Dillard LLC to construct a mixed-use commercial and residential building at 223 Roberts St N and 229 Roberts St N. Pursuant to the application, the intent of the project is to transform private owned surface parking lot sites into a mixed-use structure with ground floor commercial and 89 apartment units above.

The proposed building would be 6 stories in height and approximately 93,500 square feet. The applicant is also proposing to create a pedestrian connection between the adjacent Roberts Commons mixed-use parking structure and the apartment floors of the proposed building. The construction would begin September 2017 and the proposed timeframe of opening would be spring of 2019.

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

**Lines 1:** Use consistent with the RZ Plan (as per Visions and Goals): As noted in the 2015 Renaissance Zone Development Plan the desired land use on Block 5 is identified as *the redevelopment for housing*. As proposed, the project will contribute to a number of goals and objectives as outlined in the RZ Plan as follows:

1. *Activity Generator [goal]:* Develop activity generating enterprises along Renaissance Zone's major commercial corridors: Robert Street/2nd Avenue.

**Housing complex proposal will generate activity by replacing a surface parking lot with residential and commercial land uses.**

2. *Walkable Districts [goal]:* Create "walkable districts" that integrate a wide range of activities and land uses; thus encouraging on-street activity...

**The building structure will use design elements to create a walkable environment. The alley along the building will promote walking by providing retail services and serve as the location for the entrance to the residential units. Additionally, the commercial storefronts will be provided along the street.**

3. *Ground Floor Uses [goal]:* Reserve ground floor land uses to those that will encourage streets to come to life – shops, offices, cafes, restaurants and other "public" facilities.

**The ground floor will provide commercial uses along Roberts Street and the alley.**

4. *Neighborhood Center [goal]:* Make "Broadway" Fargo's "Main Street" – a pedestrian-friendly, mixed-use magnet that anchors downtown neighborhoods.

**The Dillard project would contribute to the large project as a whole (Roberts Commons and Kessler) by changing the built environment from underutilized surface parking lots to mixed-use buildings.**

5. *Urban Design [goal]*: Projects will embody strong urban design principles inclusive of building massing and form, building materials, pedestrian orientated design, streetscape, building orientation and recognition of the importance of defined block corners, architectural style, high building coverage percentages, limited setbacks or downtown district appropriate setbacks, design longevity and street level transparency.
6. *Transportation [goal]*: Manage downtown transportation, accessibility and parking issues in a manner that will allow for further commercial developments and will make the entire area more user-friendly.

**The proposed project is located in close proximity to a public transit stop and would provide an area to house dumpsters to improve pedestrian and vehicular circulation in the alley.**

7. *Safe Streets – Safe Neighborhoods [goal]*: Encourage safe streets and safe neighborhoods by relying on and utilizing the “natural surveillance” of lively and active streets.

**The proposed development would intensify the use of the area and provide a larger capacity of surveillance of the area.**

8. *High Quality Housing [goal]*: Continue to encourage the production of unique high quality housing that is developed in areas targeted for residential development or as a component of a mixed-use project.

**The proposed residential units will add to the high quality housing stock of the downtown area.**

9. *Infill [goal]*: Encourage and actively pursue projects that increase the productivity of underutilized property such as surface parking lots, vacant land and parcels with low building to land value ratios. Infill projects shall conform and be consistent with urban design principles as set forth in Goal 5, above..
10. *Housing Amenities [goal]*: Integrate quality housing with public open space and neighborhood amenities, requiring the enhancement of existing amenities in conjunction with the creation of new ones.

**The location of the building will be in close proximity to amenities provided on Broadway North. The applicant is contemplating amenities for the residential use as well.**

11. *Downtown Entryways [goal]*: Enhance auto entry experiences with landscaping improvements to all major corridors (Broadway, Roberts St, 1st/NP Avenue, Main Avenue) and gateway statements at Broadway/Main Avenue, Broadway/6th Ave N, 1st Avenue/Red River, Main Avenue/Red River and Main Ave/10th Street N.

**The proposed housing complex would enhance the auto entry experience on Roberts Street.**

12. *The Place to Be [goal]*: Make downtown the entertainment/cultural/recreational center of the city... Make downtown a key destination for visitors/conventioners and a key destination for residents.

**The proposed project would be a component of the overall vision of an active alley behind the building. The active alley would strive to create a unique experience where social and entertainment services would be provided.**

13. *A Place Like No Other [goal]*: Highlight the unique historic character of the Renaissance Zone by placing a high value on historic preservation and overall awareness of the history of the area.

**The project would promote the increase of pedestrian activity in the alley to increase the utilization of the historic buildings in the general area.**

14. *24 Hours a day – 7 Days per Week – 365 Days a Year [goal]*: Design spaces, facilities and features that will attract people to the area both day and night, on weekdays and weekends, and during all seasons of the year.

**This location will be activated 24 Hours a day – 7 Days per Week – 365 Days a Year, by allowing for the constant activity produced by the residents who live in the units and consumer activity generated by the commercial services on the ground floor and alley.**

15. *Connections and Coordination [goal]:* ... Strong connections between people, places and things to do are vital to creating a strong sense of community.

**The mixed-use design of the project would promote and contribute to pedestrian mode activity that would result in enhanced connectivity.**

(18/20 points)

**Line 2:** Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in this RZ Plan? [note that for mixed-use projects the total square footage should be dissected into commercial and residential totals for comparison to minimum investment thresholds]:

**Pursuant to City of Fargo Renaissance Zone standards, in order to qualify for consideration, a project must meet a minimum \$40 per square foot capital improvement threshold for commercial rehabilitation and \$100 per square foot for any new construction.**

**According to the application, the structure accommodates 93,500 square feet, as follows:**

**Lot Size: 21,733 SF**

**Proposed Building Total: 93,500 SF**

**Overall, the application estimates a total capital investment of \$13,400,000, which calculates to approximately \$143.00 per square foot.**

(10/10 points)

**Line 3:** The new construction or proposed improvements are representative of “High Priority Land Uses” as defined by this RZ Plan (see pg. 29).

**Primary Sector Business: N/A**

**Active Commercial, Specialty Retail or Destination Commercial:** The proposed project will produce a new building on a previously vacant and underutilized lot in Fargo’s downtown core and increase activity on an underutilized block.

**Mixed Use Development:** The proposed uses will include retail and residential apartments in one building structure.

**Large, upscale residential units:** The proposed residential development will include 89 units.

(18/20 points)

**Line 4:** The investment is located in a “Targeted Area” as defined by this RZ Plan (see pg. 29)? Consideration shall be given to whether this property has been vacant or underutilized for a period of time and/or whether the property is specifically targeted for clearance (see spreadsheet).

- 1) Parcels that have been vacant or underutilized for an extended period of time:

**This site has been a surface parking lot for a number of years as a result of several building demolitions.**

(5/5 points)

- 2) Parcels specifically targeted for clearance:

**The RZ Plan designates Block 5 as being appropriate for the redevelopment of housing.**

(5/5 points)

(10/10 points)

**Line 5:** The project will create civic space or public space and/or will enhance pedestrian connectivity, streetscape amenities or will contribute to street level activation?:

**This project will enhance public space with pedestrian activity and streetscape amenities by providing a mixed-use infill project along with outdoor seating areas.**

(10/10 points)

**Line 6:** Consideration and analysis as to the total actual investment in the project?

**As proposed, the redevelopment project and improvement costs significantly exceed both the 50% (true and full value of the building) and \$100 per square foot requirement. As previously noted, the application represents a total estimated investment of \$13,400,000.**

(10/10 points)

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

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

(10/10 points)

**Line 8:** Is the project located within a historic district? Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective?:

**This property is located outside the boundary of the Downtown Historic District.**

(10/10 points)

**Summary:**

**This application received a score of 96 on a 100-point scale. The applicant met all required criteria and the use is consistent with the RZ Plan. In addition, the proposed new construction project surpasses the local capital improvement requirement of \$40 per square foot for a commercial rehab and \$100 per square foot for new construction.**

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

**The amount invested in the project exceeds state and local guidelines. The project does not involve the relocation of commercial businesses from another North Dakota city. The applicant will not be seeking any historic preservation tax credits, however the applicant has secured TIF financing to aid in the new construction.**

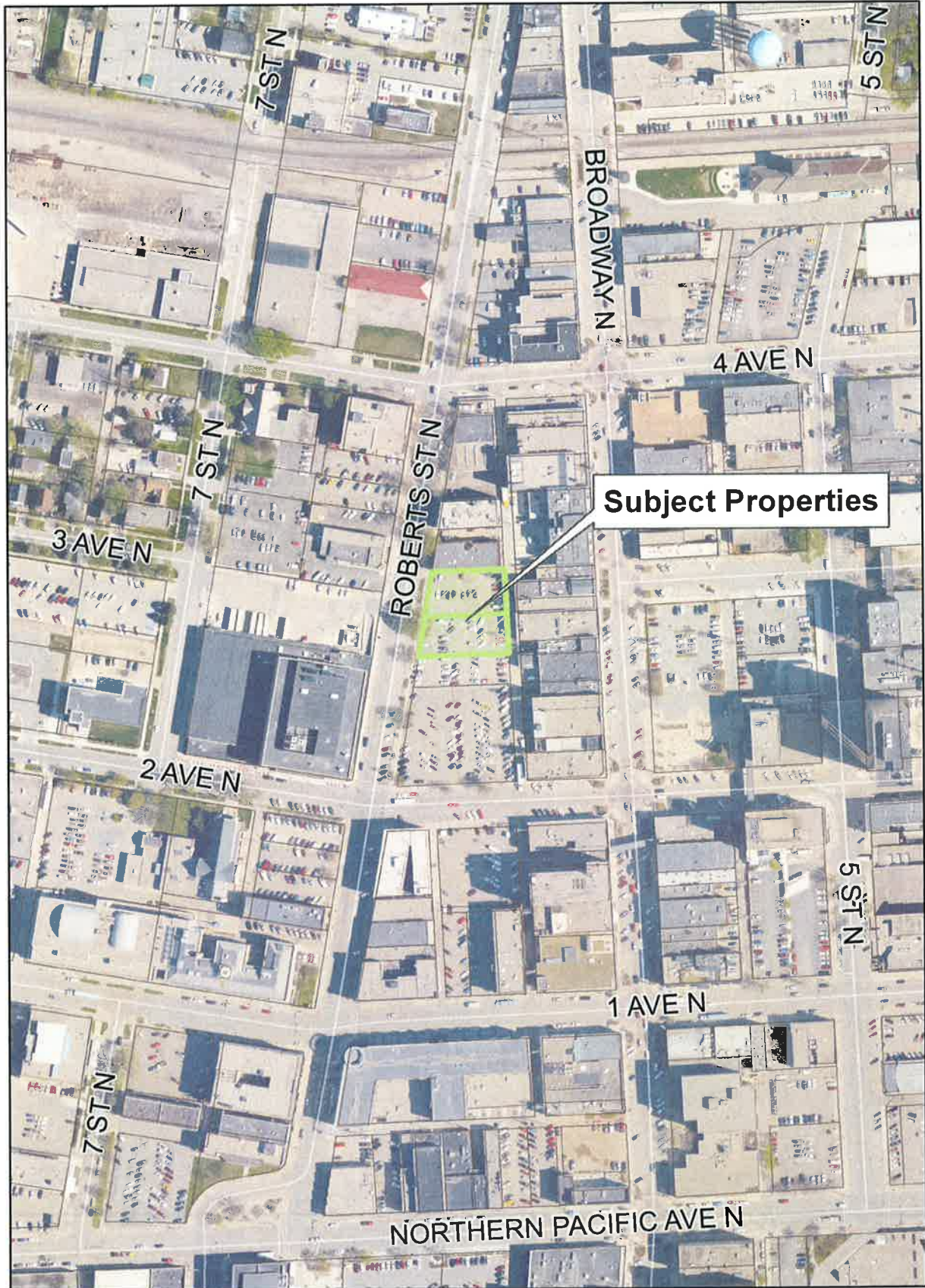
**This project will make use of a lot that is currently underutilized. Staff believes that this project will be a benefit to the downtown community and will positively contribute to the health of surrounding businesses.**

**Suggested motion:**

**Recommend approval to the Fargo City Commission to approve the application submitted by DFI Dillard LLC and to grant the property tax exemption and the State income tax exemptions as allowed by the ND Renaissance Zone law contingent upon completion of the project and verification of costs.**

Minimum Criteria (Proposals involving the purchase of income-generating property)			
		Possible Points	Staff Rating
1	Use consistent with the plan (as per Vision and Goals)	20	18
2	Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in the RZ Plan?	10	10
3	<p>The new construction or proposed improvements are representative of "High Priority Land Uses" as defined in the RZ Plan:</p> <ul style="list-style-type: none"> <li>• Primary sector business</li> <li>• Active Commercial, Specialty Retail and/or Destination Commercial</li> <li>• Mixed use development (combination of housing, commercial, and/or retail uses in a horizontal or vertical fashion)</li> <li>• Large, upscale residential units</li> </ul>	20	18
4	<p>The investment is located in a 'Target Area' as defined by the RZ Plan:</p> <ul style="list-style-type: none"> <li>• Parcels that have been vacant or underutilized for an extended period of time</li> <li>• Parcels specifically targeted for clearance</li> </ul>	10	10
5	<p>The project will create civic space or public space and/or will enhance pedestrian connectivity, streetscape amenities or will contribute to street level activation:</p> <ul style="list-style-type: none"> <li>• Incorporation of "civic" or "public" space within a redevelopment proposal will receive additional consideration</li> <li>• Demonstrated commitment to strengthening pedestrian corridors and issues of "connection"</li> <li>• Attention to streetscape amenities</li> <li>• Contribution to street activity</li> </ul>	10	10
6	<p>Consideration and analysis as to the total actual investment in the project:</p> <ul style="list-style-type: none"> <li>• Consideration can be given for the level of capital investment in a project. (i.e., additional consideration can be given for higher levels of investment)</li> </ul>	10	10
7	<p>Consideration as to whether the project will include or accommodate the relocation of a business from another North Dakota community:</p> <ul style="list-style-type: none"> <li>• Commercial tenants that are re-locating within the Downtown Area (as defined by the 1996 Downtown Area Plan) are not eligible for tax incentives without special approval from the Zone Authority</li> <li>• Commercial tenants that are relocating from a North Dakota community (other than Fargo) to the Fargo Renaissance Zone are not eligible for tax incentives without special approval from the Zone Authority.</li> </ul>	10	10
8	<p>Is the project located within a historic district? Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective?</p> <ul style="list-style-type: none"> <li>• Although not included in the Project Review Guidelines, historic preservation is considered an important component of downtown projects even when Historic Preservation and Renovation Tax Credits are not being requested.</li> </ul>	10	10
<b>Total Rating (100 possible points)</b>		<b>100</b>	<b>96</b>





## CITY OF FARGO RENAISSANCE ZONE PROJECT APPLICATION

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### REHABILITATION OR PURCHASE (NEW CONSTRUCTION)

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***Attn: This application must be approved by all local and state review entities prior to beginning rehabilitation work.***

1. Street address, legal description, and Renaissance Zone Block number of proposed project. If the proposed project involves more than one parcel, please provide relevant information for each parcel.  
  
223 Roberts St N  
7 & N 20 FT OF 8, Block 3, Roberts Addition  
PIN - 01-2381-00530-000  
  
229 ROBERTS ST N  
25 THRU 27, PLAT 2, Block 3, S G Roberts Plat #2  
PIN - 01-2460-00220-000  
  
Renaissance Zone Block 5
2. Current property owner(s).  
  
DFI Dillard LLC
3. Name of applicant(s), mailing address, Federal ID number or SSAN, and type of entity (partnership, LLC, S-corporation, etc.).  
  
DFI Dillard LLC  
210 Broadway, Suite 300  
Fargo, ND 58102  
Tax ID Number:
4. Current use of property  
  
The property is privately owned surface parking lots.
5. Square footage of the lot and of the building (list each floor separately)  
  
223 Roberts St N – 10,753  
229 Roberts St N – 10,980

Describe the impact this project has on any historical properties

The subject properties contain only surface parking lots, but historically were the site of row homes, which were later replaced with a series of small single-family homes. A lumber yard was also located along the alley on the east side of the parcels.

Type of project (purchase, rehabilitation, lease, purchase with major improvements, historic preservation and renovation, or a combination).

New construction

6. Project Description.

The Dillard project consists of two quarter-acre parcels located at 223 and 229 Roberts St. This site is located directly north of the Roberts Commons mixed-use parking garage and south of the Herald Square apartments.

This 93,500 SF mixed-use project will include a structural steel podium with five levels of wood frame construction above built upon a deep pile foundation. The ground floor is designed for commercial space and will have a 22 foot ceiling. The tall first floor will allow the apartment floors to align with the adjacent Roberts Commons Parking Garage and potentially allow access into the garage. The five upper floors will be market rate apartments. We are investigating amenities such as a bike room, dog washing station, and terrace, but in general feel the building's location and proximity to Broadway serve as its biggest amenity.

A 20 foot-wide pedestrian focused corridor will be created on what would align with 3rd Ave N between this project and the Herald Square apartments. The main entrance to the Dillard apartments and retail storefronts will be located along this privately-owned alley to help activate the space. This "private drive" will serve as a secondary outlet for vehicles on Roberts Alley, but the space will be designed first and foremost for pedestrians. The ground floor along Roberts Street, Roberts Alley, and the 3rd Ave alley will all be designed for commercial space.

7. Please provide a break out of "capital improvements", as defined in Attachment B, and justification that the project will meet the City's investment guidelines.

Also describe anticipated tenant mix and the expected date of occupancy, completion, lease, or rehabilitation.

- \$13.4M investment resulting in \$143 per square foot of construction costs.
- Anticipated start September 2017
- Anticipated opening Spring 2019
- 89 units – majority being alcoves, 1 and 2 bedrooms, with a handful of 3 bedrooms

8. Describe how the project enhances the stated Renaissance Zone goals and objectives, being as specific as possible (see Attachment C)

#### Activity Generators

Pedestrian friendly public realms fundamentally must be inviting, safe, and generate trips with a purpose. To make the space inviting requires buildings to frame the street to create an outdoor room and the buildings must have frequent doors and windows facing the sidewalk. The environment needs to be safe. Designing pedestrian friendly streets to slow traffic helps accomplish this. In addition, people feel safer in public spaces when other people are present. Finally, purposeful walking needs useful trips, which is accomplished by mixing different land uses (work, shop, live, play) in a compact environment. When the built environment achieves all three (inviting, safe, and convenient) then a person will walk by choice.

With this in mind, it's apparent the project site has historically created a dead zone for pedestrian activity. Pedestrians are only present as they enter and exit their cars. The site lacks a "sense of place" because no buildings frame the streets and the lack of buildings provides nothing to see or do. This combination creates an environment that people simply avoid because it's void of activity and others.

Dillard, and the adjacent under-construction Roberts Commons, will substantially increase the activity in this area. The Dillard infill will replace a surface parking lot with 89 residential units and ground floor retail activating Roberts St, Roberts Alley, and the 3<sup>rd</sup> Ave pedestrian corridor.

#### Walkable Districts.

The ground floor will feature retail with entrances and large amounts of glass, both critical design elements for creating an interesting environment. Roberts Alley will also include ground floor retail and our early designs plan for a restaurant along the alley to act as an anchor and destination to attract pedestrians. The primary entrance for the residential units will be located along the new 3<sup>rd</sup> Ave alley. Historically the surface parking lots have been used by pedestrians walking towards and away from Broadway. With the construction of Roberts Commons, an east-west corridor has been created by construction fencing and it's apparent this provides a useful connection to Broadway. As such, this corridor will be maintained and strengthened by lining it with commercial storefronts and the apartment entrance.

#### Ground Floor Uses

The ground floor will contain commercial spaces along Roberts St, Roberts Alley, and the 3<sup>rd</sup> Ave corridor.

#### Neighborhood Center

Dillard, Roberts Commons, and future Kesler projects will substantially change the built environment along Roberts Alley, 2<sup>nd</sup> Ave, and Roberts St. It's our hope the replacement of surface parking lots with mixed-use buildings will enhance this important, but currently underutilized area.

#### Transportation Issues

Second Ave, 300 feet to the south of Dillard, is served by MatBus Routes 13, 13U, and 17. NDSU students generate significant activity in this area, as many of them use Roberts St as a bike thoroughfare to Renaissance Hall. Many students also frequently pass by the Roberts St and 2<sup>nd</sup> Ave intersection to board the bus at Klai Hall. The Dillard project will include an area to house dumpsters that allows for better vehicular and pedestrian movement through the alley.

#### Safe Streets – Safe Neighborhoods.

The redevelopment of this block will further enhance the natural human surveillance by replacing a surface parking lot with an active ground floor of mixed retail. There are approximately 5,000 residents living in downtown, the majority being the result of NDSU's downtown expansion in the last decade. Those familiar with downtown Fargo's progression are fully aware of the new life that has been breathed into downtown with the increase in the number of its residents. The introduction of residential units with this project will further expand downtown's population and provide much needed foot traffic and activity in this area. Siting a restaurant in the alley, active ground floor retail (including the alley), and the upper floors filled with a variety of different living options will help fill this area with activity and "natural surveillance."

#### High Quality Housing

Dillard will include 89 units with the majority being alcoves, one and two-bedroom, with a few three bedrooms. These units will be geared toward students, young professionals, "renter by choice," and empty nesters with a variety of different configurations and price points.

#### Housing Amenities

We are investigating amenities such as a bike room, dog washing station, a pedestrian connection to Roberts Commons parking garage, and terrace, but in general feel the building's location and proximity to Broadway serves as its biggest amenity. The block of Broadway to the east is a "Walkers Paradise", per Walk Score®, and the benefit of living in a mixed-use environment cannot be overemphasized as the most important amenity for these residents.

#### Downtown Entryways

Roberts St, one of the identified corridors in the Renaissance Plan, will be improved with this mixed-use development. The streetscape, public realm, and built environment will create a much-improved experience for those on foot and in their vehicles. This street has also been identified by the Fargo InFocus downtown masterplan as retail street.

#### The Place to Be

The reinvention of Roberts Alley to a pedestrian oriented public realm could position this corridor to become a unique and sought after experience. The Alley Fair has shown how alleys can become a place for socializing and entertainment. Activating Roberts Alley with ground floor retail, restaurants, and a pedestrian friendly design can turn elements of the Alley Fair events into a daily experience.

#### A Place Like No Other

The area surrounding this block contains some of downtown's most iconic buildings and one of Fargo's highest concentrations of historic buildings. The infill of these parcels will greatly improve this prominent, yet generally overlooked area. The inclusion of retail along the alley, with a goal of creating a space for a restaurant with outdoor seating is meant to provide an anchor for Roberts Alley and draw pedestrians into this corridor. It's our hope to transform Roberts Alley into a unique, one of kind experience attracting visitors to downtown.

#### Spruce up the area

Our research has revealed that this area was first developed with residential dwellings as early as 1884. From approximately 1910-1952, dwellings existed on the western portion of the site. A lumber shed existed on the eastern portion of the site during this same time period. The site has been used as a paved parking lot since at least 1976. The project will mark the first time this entire area has been fully built out.

#### 24 hours a day – 7 days a week – 365 days a year.

This location will be activated during working hours from the ground floor retail. The 90-100 residential units of this project will activate this area throughout the day as well as during the evenings and weekends. The redesign of Roberts Alley into a pedestrian friendly corridor will make it more inviting and a unique destination to spur activity.

#### Connections and Coordination.

This project will be thoughtfully designed to enhance the walkability of this area. The surface parking will be replaced with a mixed-use building with active ground floor retail and a design that encourages walking (frequent doors, high percentage of glass, and pedestrian scale design).

9. Extent of the exterior rehabilitation (demonstrated improvement to "public" face of building) – include plans and/or renderings, if available

The project will consist of all new construction. Please see the attached renderings of the project.



10. Describe how the project fits under the Zone's development guidelines (Attachment D)

High Priority Land Use

This project meets the guideline of high-priority land use by creating a mixed-use development with active ground floor retail space and quality apartments.

Target Areas

The majority of this site has been underutilized since the 1970s. One-hundred percent of the site is currently surface parking.

Public Space

The public realm will be greatly enhanced with this mixed-use infill project. A ground floor filled with retail will make the sidewalks along these projects much more interesting and inviting. The initial plans provide a small outdoor seating area along Roberts Alley for the area planned as a restaurant.

Investment

This project represents a \$13.4M investment, resulting construction cost of \$143/SF, which exceeds the Renaissance Zone's minimum of \$100/SF.

Relocation

The project is anticipated to contain only new businesses in the ground floors and the upper floors will provide a variety of housing options.

11. List of public and private financial commitments. If the project is funded by the Renaissance Zone Fund, describe type of funding and amounts.

This project is part of the City-initiated TIF Financing District No. 2015-03. This TIF was created to pay for the Roberts parking garage and necessary street and infrastructure upgrades. The project will not pursue any other economic development incentives. The project funding will be 75% financed and 25% privately funded.

12. Estimated tax impact of Zone incentives to the applicant: List the current true and full value of the building, the current annual property tax on the building, the estimated value of the building after improvements have been completed, and the estimated five-year impact. Estimate the potential annual income tax savings.

This property is currently a parking lot and the assessed value of the land and improvements is \$131,000 and \$35,000, respectively. The Renaissance Program would abate property taxes for the only the value of the improvements. As such, the estimated current taxes are \$2386.33, and if the Renaissance Zone incentive was approved the property taxes are estimated at \$1883.19, an annual difference of \$503.14.

Current true and full value: \$166,000 (\$35,000 for building/improvements)

Current annual property tax on building (2016): \$2,173.02

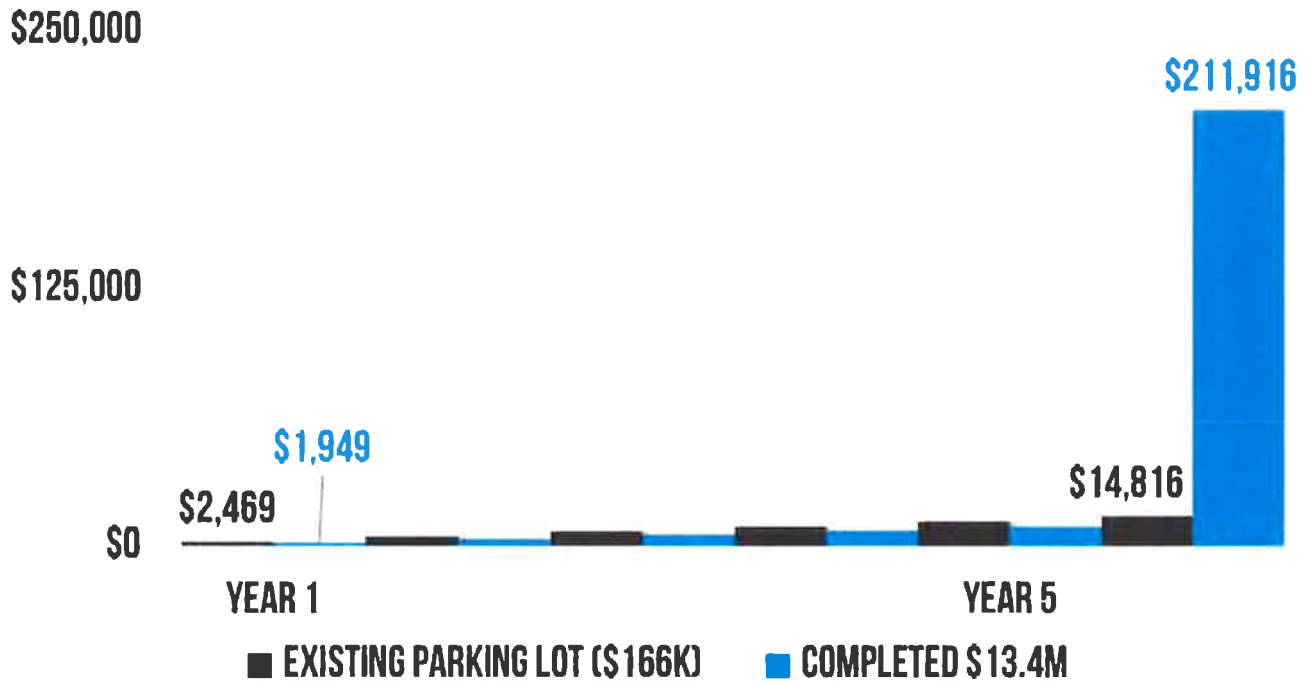
Estimated value of the buildings after improvements: \$13,460,000\*

Estimated five-year impact: \$967,471.15 (287.51 Mill Levy)

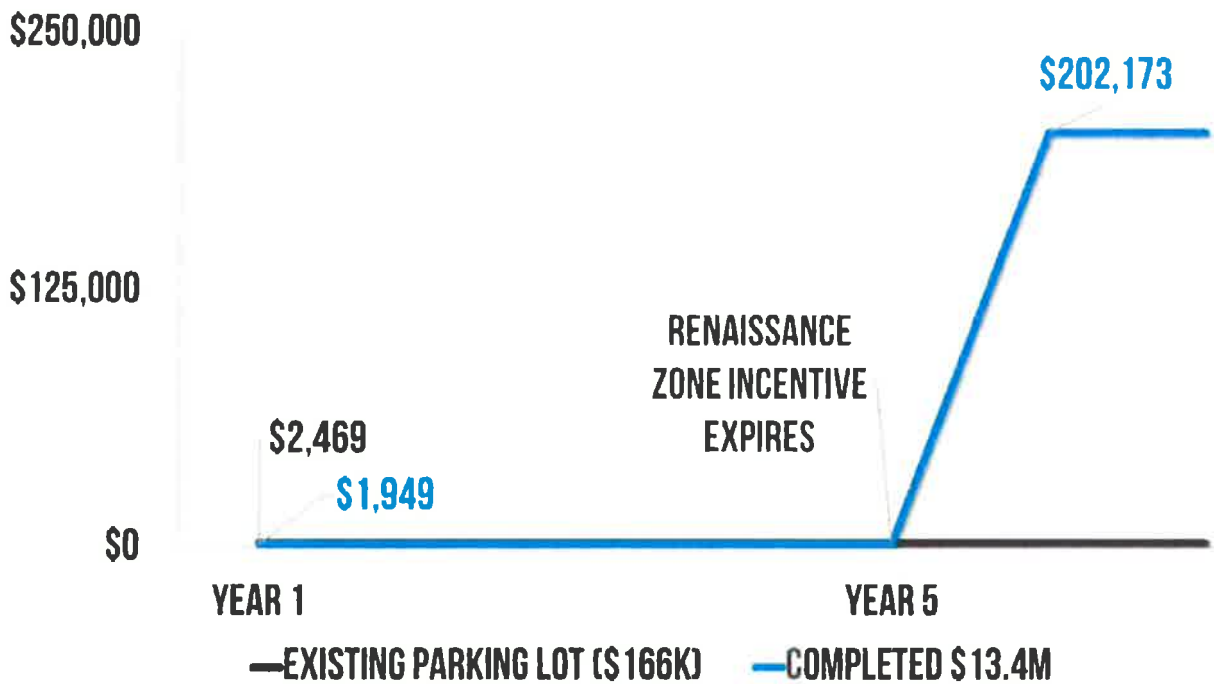
Potential annual income tax savings: \$1,000

\*Construction Costs

## DILLARD CUMULATIVE PROPERTY TAX GROWTH



## DILLARD ANNUAL PROPERTY TAX REVENUE



13. Provide evidence that the applicant is current on state and local taxes (Certificate of Good Standing from State Tax Commissioner (see Attachment E) and receipt showing proof that local taxes have been paid.

*Request has been submitted to the State.*

**Submit Project Proposals to:**

Department of Planning and Development, 200 N 3<sup>rd</sup> Street, Fargo, ND 58102  
Phone 701-241-1474

**DFI Dillard, LLC**

**Renaissance Zone Application**

Project Cost Estimate for Capital Improvements

Project: Dakota Block, 223 & 229 Roberts St Fargo, ND 58102

**Planned Improvements**

Improvements	\$ 13,460,000
	<u>\$ 13,460,000</u>

**Notes**

Soft costs have been allocated to each line-item

**NEW CONSTRUCTION**

**At least \$100/SF in capital improvements**

Total Planned Capital Improvements	\$ 13,460,000
Total Square Feet	93,506
Planned Capital Improvements/SF	\$ 143.95













Office of the City Attorney

City Attorney  
Erik R. Johnson

Assistant City Attorney  
Nancy J. Morris

August 24, 2017

Board of City Commissioners  
City Hall  
200 3<sup>rd</sup> Street North  
Fargo, ND 58102

**RE: Amendment of Development Agreement--Block Nine Project**

Dear Commissioners:

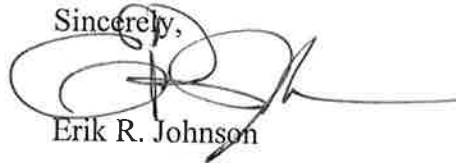
Enclosed for your consideration is an amendment to the Development Agreement for the Block Nine Project. The Developer intends to make a brief presentation at your regular City Commission meeting regarding this proposed amendment.

The Development Agreement between the City and Block 9 Partners LLC that was approved last year in May was the start of a public-private partnership which, by its nature, required considerable additional work to be done for full development of the details of the Project, particularly as it relates to the relationship between the Developer and the City. Since that time, Jim Gilmour, the Director of Planning and Development, and I, along with a number of other City staff members, have been working diligently on this project. The Development Agreement, itself, anticipated this work to be done. The public-private partnership contemplates that the Developer would take ownership of the City-owned lot to allow the Developer to construct the parking ramp and then return the ownership to the City after which, the Developer would be fully responsible for operation, repair and maintenance of the ramp for 25 years. The City's responsibilities included the selling of bonds to finance construction costs (maximum of \$15 million of actual construction costs, plus certain financing costs) for the parking ramp as well as the connection to the public skyway and the new public plaza. This partnership requires very integrated coordination between the City and the Developer. In addition, the Fargo Park District is willing to serve as the manager of the public plaza and considerable work has gone into the development of the agreements related to the public plaza and its operations. As contemplated in the Development Agreement, this coordination of effort between the Developer, the City and, now, the Fargo Park District will come together into a family of separate agreements—referred to as the "Contingency Agreements". The Development Agreement requires that the Developer and the City move forward together on the Project. It is the "Preliminary Contingencies Deadline" and the "Final Contingencies Deadline" that permit the parties to move forward together. Those contingencies protect the City by ensuring that the project will move forward as agreed before the City commits itself to selling its bonds. Similarly, the contingencies protect the Developer as well. As has been discussed publicly



already, some final important components of the project from the Developer need to come together and, in order to accommodate that need and in order for the City and Developer to move forward together as required by the Developer Agreement, the enclosed Fifth Amendment to the Developer Agreement is needed—it will revise the two “contingencies deadlines” and will revise, accordingly, the anticipated construction start dates and construction completion dates. Under this amendment, the Final Contingencies Deadline will be August 31, 2018 (currently, August 31, 2017). Commencement of construction on the Parking Ramp must occur by January 1, 2020 (currently January 1, 2019). The anticipated construction completion dates for the Parking Garage, the Plaza and the Tower/Mixed Use Project will be February 28, 2021 (currently, December 31, 2019). The prior four amendments to the Developer Agreement addressed the contingencies deadlines with the City Commission approving the initial amendment to the Developer Agreement in November and authorizing the Mayor and City Administrator to further amend the agreement to modify the contingencies deadlines to no later than July 1, 2017. Most recently, the City Commission approved a resolution on June 5<sup>th</sup>, 2017, further authorizing the current contingencies deadline of August 31, 2017.

**SUGGESTED MOTION:** I move to approve the Fifth Amendment to Development Agreement by and between City of Fargo, North Dakota and Block 9 Partners LLC as presented.

Sincerely,  
  
Erik R. Johnson

ERJ/lmw

Enclosure

**FIFTH AMENDMENT TO  
DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
CITY OF FARGO, NORTH DAKOTA,  
  
AND  
BLOCK 9 PARTNERS LLC  
DATED AS OF AUGUST 28, 2017**



**THIS FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT** (this “Amendment”) is made as of the 28th day of August, 2017, by and between the City of Fargo, North Dakota, a municipal corporation (the “City”) and Block 9 Partners LLC, a North Dakota limited liability company (“Developer”).

**RECITALS:**

**WHEREAS**, Developer and City have entered into a Development Agreement dated as of May 23, 2016, as amended from time to time (the “Development Agreement”), pertaining to a project commonly known as the Block Nine Project;

**WHEREAS**, the Development Agreement contained certain contingencies for the benefit of Developer and certain contingencies for the benefit of the City, which contingencies were subject to satisfaction or waiver on or before November 15, 2016, (the “Contingencies Deadline”); and,

**WHEREAS**, the parties have extended the Contingencies Deadline and converted said deadline into two deadlines, and have entered into previous amendments to the Development Agreement dated November 7, 2016, and February 13<sup>th</sup>, April 24<sup>th</sup> and June 27<sup>th</sup>, 2017; and,

**WHEREAS**, the parties wish to agree to amend the Development Agreement again; and,

**NOW, THEREFORE**, in consideration of the foregoing Recitals, which are hereby incorporated into this Amendment, and the mutual promises, undertakings and covenants hereinafter set forth, and intending to be legally bound hereby, the City and Developer covenant and agree as follows:

- I. The Preliminary Contingencies Deadline, previously defined as being August 15, 2017, is hereby amended to be August 15, 2018, as set forth in Paragraph 3.1.1 of Section 3.1 of Article 3 of the Development Agreement.
- II. The Final Contingencies Deadline, previously defined as being August 31, 2017, is hereby amended to be August 31, 2018, as set forth in Paragraph 3.1.2 of Section 3.1 of Article 3 of the Development Agreement.
- III. Section 11.1 of Article 11 of the Development Agreement shall be amended to read as follows:

Section 11.1 Master Project Schedule. The Master Project Schedule agreed to by the Parties in accordance with Article 3 above sets forth the anticipated start, completion and duration dates for the various components of the Project and related facilities as set forth herein and Developer shall develop, design and construct the Project in accordance with such Master Project Schedule. Subject to modification pursuant to the Master Project Schedule, the Parties agree as follows:

- (a) The anticipated date of substantial completion for the Block Nine Garage is February 28, 2021.
- (b) The anticipated date of substantial completion of the Plaza is February 28, 2021.
- (c) The anticipated date of substantial completion of the Mixed Use Project is February 28, 2021.

IV. Section 3.1(a)(viii) of Article 3 of the Development Agreement shall be amended to read as follows:

(viii) real estate conveyance documents for the property transfers contemplated by Articles 6 and 9 and provided that any deed conveying the City Parcel shall contain a reversionary right acceptable to the City in its sole discretion in the event Developer fails to commence construction on the Block Nine Garage by January 1, 2020, complete construction of the Block Nine Garage by February 28, 2021, or if construction on the Block Nine Garage ceases for a period of six (6) months;

V. In all other respects the Development Agreement, as the same has been previously amended, shall remain in full force and effect.

VI. Effective Date. This Amendment shall be effective as of August 28, 2017.

**IN WITNESS WHEREOF**, the Parties have executed this Amendment as of the date stated in the first paragraph of this Amendment.

**Developer:**

**BLOCK 9 PARTNERS LLC,**  
a North Dakota limited liability company

By: \_\_\_\_\_  
Name: F. Scott Neal  
Title: President

[SIGNATURE PAGE TO AMENDMENT TO DEVELOPMENT AGREEMENT]



**CITY:**

**CITY OF FARGO**

a North Dakota municipal corporation

By: \_\_\_\_\_

Name: Timothy J. Mahoney, M.D.

Title: Mayor

**ATTEST:**

By: \_\_\_\_\_

Name: Steven Sprague

Title: City Auditor

\_\_\_\_\_  
Name: Bruce P. Grubb

Title: City Administrator

[SIGNATURE PAGE TO AMENDMENT TO DEVELOPMENT AGREEMENT]

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**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: MAYOR TIMOTHY J. MAHONEY**



**DATE: AUGUST 23, 2017**

**SUBJECT: APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION**

We have a vacancy on the Historic Preservation Commission due to Mike Hahn moving out of North Dakota. His term would have expired on October 31, 2017.

I am recommending the appointment of Nathan Larson to fill the unexpired term of Mr. Hahn and since the term expires soon, I am recommending that Mr. Larson be appointed to fill a three-year term following that date. Mr. Larson's appointment to the Board will expire on October 31, 2020. A web application for Mr. Larson is attached for your reference.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the appointment of Nathan Larson to the Historic Preservation Commission to fill the unexpired term of Mike Hahn for a term ending October 31, 2020.

mmapt17hpclarson

## Kember Anderson

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**From:** noreply@cityoffargo.com  
**Sent:** Monday, July 17, 2017 4:07 PM  
**To:** Commissions Applications  
**Subject:** New Form Submission: Getting involved in government

**Name:**

*[Nathan Larson]*

**Mailing Address:**

*[819 8th Ave N]*

**City:**

*[Fargo]*

**State:**

*[North Dakota]*

**Zip:**

*[58102]*

**Work Phone:**

*[701-237-5031]*

**Home Phone:**

*[701-899-1145]*

**E-mail:**

*[nathan.a.larson@gmail.com]*

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

*[Historic Preservation Commission]*

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

*[I would like to help ensure that future developments within Fargo's downtown and core neighborhoods are being done with respect to the architectural character of these places. ]*

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

*[I could volunteer at a maximum of 10 hours per month.]*

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

*[I have not had any experience with city government other than sitting in on city planning and city commission meetings when projects were being proposed that affected my neighborhood.]*

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

*[I received a masters degree in architecture from NDSU in 2012 and have been working as a Realtor with Park Company since October 2012. I have been a board member of the Fargo Moorhead Heritage Society for three years and am currently serving as president.]*

**If you have a resume you would like to submit, please paste it below.**

*[Available upon request.]*

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