

FARGO CITY COMMISSION AGENDA  
Monday, June 24, 2024 - 5:00 p.m.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, June 10, 2024).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Resolution Establishing the Board of City Commissioners as the Finance Committee of the City of Fargo.
- 2. Applications for Games of Chance:
  - a. El Zagal Shrine Temple for a calendar raffle 1/1/25-6/30/25.
  - b. El Zagal Shrine Temple for a calendar raffle 7/1/25-12/31/25.
  - c. Fargo Masonic Advisory Board for a raffle on 8/14/24.
  - d. ND Grand Chapter OES for a raffle on 6/5/25.
  - e. ND Grand Chapter OES for a raffle on 6/5/25.
  - f. North Dakota Solid Waste and Recycling Association for a raffle on 10/23/24.
- 3. Gaming Site Authorization for Sharehouse Inc. at Speck’s Bar.
- 4. Permanent Easement with Keith A. Ernst and Linda Vogle, as Trustees of the Fred M. Hector, Jr. Revocable Trust (Project No. DR-21-A1).
- 5. Bid advertisement for Project No. DR-21-A.
- 6. Bid advertisement for Project No. UR-24-A.
- 7. Negative Final Balancing Change Order No. 2 in the amount of -\$80,644.44 for Project No. BP-23-02.
- 8. Contract and bond for Project No. UR-24-H1.
- 9. Developer Agreement with EagleRidge Development, LLC for Selkirk Place Second Addition.
- 10. Consent to Construction with Furst Stolz Development, LLC for property located at 4102 19th Avenue North.
- 11. Memorandum of Offer to Landowner for Permanent Easements (Street and Utility) and (Utility) with Cornerstone Bank (Improvement District No. PR-24-A1).

12. Bid award to Master Construction Co Inc. in the amount of \$120,032.00 for Improvement District No. AN-24-B1.
13. Change Order No. 1 for a time extension to the interim completion date for Phase 1 of Improvement District No. BR-24-E1.
14. Change Order No. 2 for a time extension to the interim completion dates for Phase 1A and Phase 1B for Improvement District No. BR-24-A1.
15. Contract and bond for Improvement District BN-23-G1.
16. Create Improvement District No. BR-23-G (Paving and Utility Rehab/Reconstruction).
17. Set July 8, 2024 at 5:15 p.m. as the date and time for a Public Hearing on a dangerous building located at 1011 University Drive North.
18. Purchase of Service Agreement with Fargo Public School District.
19. Purchase of Service Agreement with Mapleton Public School District.
20. Purchase of Service Agreement with Kindred Public School District.
21. Notice of Grant Award from the ND Department of Health and Human Services for boosting immunization rates through LPHUs (CFDA #93.268).
22. Notice of Grant Award from the ND Department of Health and Human Services for LPHU Tobacco Prevention and Control Program.
23. Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) 2024 Action Plan, Proposed Amendments to the 2023 HUD Action Plan, Proposed Amendments to the 2020-2024 HUD Consolidated Plan and Proposed Amendments to the Citizen Participation Plan.
24. Purchase Agreement with Red River Properties, LLP.
25. Direct the City Attorney to prepare amendments to Fargo Municipal Code, Section 11-0907 – Relating to Penalty for Littering of Public Places by Contractors.
26. Change Order No. 3 from PKG Contracting, Inc. for Time Extension from May 31, 2024 to June 01, 2025 for Project No. WW1701.
27. Task Order No. 23, Amendment No. 1 with Apex Engineering Group in the amount of \$715,250.00 for Project No. WW1701.
28. Bid award to CC Steel, LLC in the amount of \$5,660,000.00 for Project No. WA2451.
29. Bills.

**REGULAR AGENDA:**

30. Recommendation for appointments to the following Commissions:
  - a. Special Assessment Commission.
  - b. Planning Commission.

31. Municipal Airport Authority Annual Report and Request for 2025 Mill Levy.

**PUBLIC HEARINGS - 5:15 pm:**

32. **PUBLIC HEARING – CONTINUE to 7/8/24** - Hearing to consider a Renewal Plan and Developer Agreement with JS2L Partners, LLP for the Tax Increment Financing District No. 2024-01 (600 block of 4th Street North); continued from the 6/10/24 Regular Meeting.
33. **PUBLIC HEARING – CONTINUE to 7/22/24** - Application for a Class “CW” Alcoholic Beverage License for PKPham Inc d/b/a The Nail Company to be located at 2911 45th Street South; continued from the 5/28/24 Regular Meeting.
34. **PUBLIC HEARING – CONTINUE to 7/22/24** - Application for a Class “F” Alcoholic Beverage License for Martini Blu at the Grotto LLC d/b/a Martini Blu at the Grotto to be located at 3233 45th Street South.
35. **PUBLIC HEARING –** Hearing on a dangerous building located at 909 4th Street North.
36. **PUBLIC HEARING –** Hearing on a dangerous building located at 1449 4th Avenue South.
37. **PUBLIC HEARING –** Selkirk Place Second Addition (6655 Selkirk Drive South); approval recommended by the Planning Commission on 6/4/24:
- Zoning Change from AG, Agricultural and GC, General Commercial to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, SR-4, Single-Dwelling Residential, and SR-5, Single Dwelling Residential.
  - 1st reading of rezoning Ordinance.
  - Plat of Selkirk Place Second Addition.
38. **PUBLIC HEARING -** Rocking Horse Farm Seventh Addition (5155 59th Street South); approval recommended by the Planning Commission on 5/7/24:
- Zoning Change from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay.
  - 1st reading of rezoning Ordinance.
  - Plat of Rocking Horse Farm Seventh Addition.
39. **PUBLIC HEARING –** Chas A. Roberts Addition; approval recommended by the Planning Commission on 6/4/24:
- Zoning Change to repeal and re-establish a C-O, Conditional Overlay.
  - 1st reading of rezoning Ordinance.
40. **PUBLIC HEARING –** Appeal of a Board of Adjustment decision on a variance request at 97 23rd Avenue North to allow an overhead structure (pergola/gazebo) to encroach in the required front setback in the SR-2, Single-Dwelling Residential Zoning District as outlined in Fargo Municipal Code 20-05; denied by the Board of Adjustment on 5/28/24.
41. Flood Project Update:
- Recommendation to adopt the Resolution of Necessity to acquire 1502 and 1514 South River Road South (Project No. FM-15-J).
42. Adopt Transit Reorganization Study and approve steps to address employment matters and Interim Joint Powers Agreement (JPA) development for consideration and approval.

43. Recommendation for approval of the items from the FAHR Staff meeting:
  - a. Receive and file General Fund – YTD May 2024 Budget to Actual.
  - b. Increase grant award to Southeast Human Service Center Contract from \$16,635.00 to \$18,463.00.
  - c. Authorize application for the EECGB grant for funding to support sustainability in City operations.
44. Presentation on Homeless Camps in the City of Fargo.
45. Liaison Commissioner Assignment Updates.
46. **RESIDENT COMMENTS (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at [FargoND.gov/VirtualCommission](http://FargoND.gov/VirtualCommission)).**


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

Minutes are available on the City of Fargo website at [www.FargoND.gov/CityCommission](http://www.FargoND.gov/CityCommission).



309

MEMORANDUM

**TO:** BOARD OF CITY COMMISSIONERS  
**FROM:** MAYOR TIMOTHY J. MAHONEY   
**DATE:** JUNE 24, 2024  
**SUBJECT:** APPOINTMENT TO THE SPECIAL ASSESSMENT COMMISSION

The term of Daniel Dunn on the Special Assessment Commission expires on July 1, 2024.

Mr. Dunn is willing to continue his service on the Board and I am recommending that he be reappointed for a three-year term ending July 1, 2027.

Your favorable consideration of this recommendation will be greatly appreciated.


**RECOMMENDED MOTION:** Approve the reappointment of Daniel Dunn to the Special Assessment Commission for a term ending July 1, 2027.

mmapt24sac

306

MEMORANDUM

**TO:** BOARD OF CITY COMMISSIONERS

**FROM:** MAYOR TIMOTHY J. MAHONEY 

**DATE:** JUNE 24, 2024

**SUBJECT:** APPOINTMENTS TO THE PLANNING COMMISSION

The terms of Art Rosenberg, Maranda Tasa and Jennifer Holtz expire on June 30, 2024. In addition Rocky Schneider and Dawn Morgan were reappointed in November of 2023 for six month terms. Their original terms would have expired on June 30, 2023. Also, John Gunkelman will be coming off the Board. His term would have expired on June 30, 2025.

Mr. Rosenberg, Ms. Tasa and Ms. Holtz are all willing to continue their service on the Board and I am, therefore, recommending their reappointments.

Paul Gleye, Tyler Mohs and Amy Hass have submitted their applications indicating an interest in serving on the Commission and I am recommending their appointments. I have attached copies of their applications for your information.

Your favorable consideration of these recommendations is greatly appreciated.

**RECOMMENDED MOTION:** Approve the reappointment of Art Rosenberg, Maranda Tasa and Jennifer Holtz to the Planning Commission for three-year terms ending June 30, 2027, the appointments of Paul Gleye and Tyler Mohs for two-year terms ending June 30, 2026 and the appointment of Amy Hass to fill the unexpired term of John Gunkelman for a term ending on June 30, 2025.

**Kember Anderson**

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**From:** noreply@cityoffargo.com  
**Sent:** Friday, April 12, 2024 3:13 PM  
**To:** Commissions Applications  
**Subject:** New Form Submission: Getting involved in government

**Name:**  
[Paul H. Gleye]  
**Mailing Address:**  
[REDACTED]  
**City:**  
[Fargo]  
**State:**  
[North Dakota]  
**Zip:**  
[58102]  
**Work Phone:**  
[REDACTED]  
**Home Phone:**  
[REDACTED]  
**E-mail:**  
[REDACTED]

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

[Planning Commission]

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

[Recently I retired from the NDSU architecture faculty, but I continue to be committed to the future of Fargo. Matters before the Planning Commission will have particular importance as the Growth Plan is implemented and the Land Development Code is revised in the near future. Decisions by the Planning Commission have long-term consequences; my hope is to make a positive contribution to Fargo as a desirable place to live, work, and invest.]

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

[10-15 hours; flexible]

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

[I have served on the Fargo Historic Preservation Commission for several terms at two different times. During my first stint on the Preservation Commission, we were actively involved in reviewing the designs of downtown rehabilitation projects that were funded through CDBG grants.]

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

[I have a degree in urban planning from UCLA from many years ago, but attitudes toward cities have changed dramatically since then. Thankfully, discussions are now focused more on issues of good design and making cities desirable places. I hope to contribute both my commitment to the future of Fargo and my long interest in the quality of urban development.]

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

**Kember Anderson**

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**From:** noreply@cityoffargo.com  
**Sent:** Tuesday, February 27, 2024 1:29 PM  
**To:** Commissions Applications  
**Subject:** New Form Submission: Getting involved in government  
**Attachments:** Amy Hass Resume.pdf

**Name:**

[Amy Hass]

**Mailing Address:**

[Redacted]

**City:**

[Fargo]

**State:**

[North Dakota]

**Zip:**

[58102]

**Work Phone:**

[Redacted]

**Home Phone:**

[Redacted]

**E-mail:**

[Redacted]

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

[Planning Commission]

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

[I was born and raised in Fargo and have a true passion for this city. I would like to have a voice in the decision making to continue to make Fargo the best place to live. ]

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

[30]

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

[I've worked with city officials to develop parts of Fargo while aligning the master plan to our developments. ]

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

[When I worked in the development world I got to know the master plan for the city and did my best to hold the city goals to what development was being planned for. ]

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

**Kember Anderson**

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**From:** noreply@cityoffargo.com  
**Sent:** Wednesday, August 23, 2023 12:21 PM  
**To:** Commissions Applications  
**Subject:** New Form Submission: Getting involved in government

**Name:**  
[Tyler Mohs]  
**Mailing Address:**  
[REDACTED]  
**City:**  
[Fargo]  
**State:**  
[North Dakota]  
**Zip:**  
[58104]  
**Work Phone:**  
[BLANK]  
**Home Phone:**  
[REDACTED]  
**E-mail:**  
[REDACTED]

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

[Planning Commission]

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

[Background includes a degree from the University of Minnesota in Housing Studies, Finance and Management. A 16 year career as a Collateral Risk Analyst, with a focus on residential, commercial and industrial properties. Served 2 years on the City of Rochester, MN Planning and Zoning Commission. During my time on the Planning and Zoning Commission, I obtained experience with items as small as residential variances, to large scale items such as master plan subdivisions, large scale downtown developments, as well as contributing to the updating of the city comprehensive planning process. I take great interest in general development in our area, and would like to apply my gained knowledge towards helping our city grow.]

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

[Any amount of time necessary to attend meetings, review documents and be properly prepared to represent the city for decisions on agenda items.]

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

[2 years on the Rochester, MN Planning and Zoning Commission.]

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

[ A 16 year career as a Collateral Risk Analyst, with a focus on residential, commercial and industrial properties.]

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



**MUNICIPAL AIRPORT AUTHORITY  
OF THE  
CITY OF FARGO**

June 20, 2024

31

Board of City Commissioners  
CITY OF FARGO  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

Mayor and Commissioners:

The Municipal Airport Authority of the City of Fargo, at its meeting on June 11, 2024, voted to request two mills from the City of Fargo for airport infrastructure improvements for calendar year 2025. This request is per Section 2-06-14 of the North Dakota Century Code, which allows for an airport authority to request up to four mills from the governing body of the municipality

The reason for this participation by the property taxpayers goes without saying. We are currently in the midst of a project to expand and renovate the passenger terminal building and construct a parking structure to serve the citizens of this community and the surrounding region. While the terminal project is eligible for some federal funding, there are other sources of funding necessary. We are exhausting all efforts to obtain as much federal and state funding as possible. The parking structure is not eligible for any federal funding.

The Fargo property taxpayers continue to be valuable financial partners by assisting with the funding of many airport infrastructure projects. The passenger terminal expansion and renovation, along with the parking structure, are generational projects that require the ongoing financial support from the citizens of Fargo. We appreciate the partnership with the City of Fargo.

Please let me know if you have any questions.

Sincerely,

James C. Kapitan, Chair  
MUNICIPAL AIRPORT AUTHORITY

**MUNICIPAL AIRPORT AUTHORITY OF THE CITY OF FARGO**

**ANNUAL REPORT FOR FISCAL YEAR ENDING 2023**

**PRESENTATION AND REQUEST FOR MILL LEVY  
TO THE CITY COMMISSION OF FARGO, NORTH DAKOTA**

In accordance with the “Amended Memorandum of Understanding” between the City of Fargo and the Municipal Airport Authority of City of Fargo (MAA) effective January 1, 2022, the following report related to the Presentation and Request for Mill Levy (Section 7C) to the City of Fargo is provided as follows:

1. A financial report for the preceding calendar year showing the ending balances of each fund or account held by MAA, in compliance with N.D.C.C. Section 57-15-30.2, as applicable;

Per its December 31, 2023 audited financial statements, the MAA had \$36,724,867 in cash and cash equivalents plus \$18,604,702 in investments. The Airport accounts for its activities in four funds – Fund 561 which accounts for the day-to-day operations and maintenance of the Airport; Fund 563 which accounts for airport construction and improvements; Fund 564 which is used to account for Passenger Facility Charges (PFC regulations require an airport to account for PFC funds separately); and Fund 569 which is used for parking maintenance and construction. MAA’s cash and investments are held in the following accounts:

|           |   |                  |
|-----------|---|------------------|
| 102.10-01 | FIBT MAIN CHECKING                            | \$ 19,327,046.90 |
| 102.10-02 | Cash & Cash Equivalents / Savings Account     | \$ 7,403,940.28  |
| 102.10-11 | Cash & Cash Equivalents / C&I Investment Acct | \$ 7,531,682.52  |
| 102.10-12 | Cash & Cash Equivalents Cash on Deposit       | \$ 132,337.43    |
| 102.10-13 | Cash & Cash Equivalents / PFC Account         | \$ 1,432.92      |
| 102.10-14 | Bank of North Dakota                          | \$ 2,328,427.24  |
| 110.10    | PFM Investments                               | \$ 18,604,701.51 |

2. The MAA’s capital improvement plan or plans;

As part of ongoing design of the terminal area projects (terminal expansion; aircraft parking apron expansion and rehabilitation; glycol pump station and force main; and parking garage/ramp construction) as well as ongoing coordination with the FAA, the entire capital improvement program (including non-terminal area projects) for the next eight years (2024 through 2031) was summarized and is presented in the attached Exhibit 1. The eight-year CIP is estimated to be approximately \$280.4 million in project costs in 2024 dollars. That represents an estimated \$191.1 million for the terminal area capital projects, and an estimated \$89.3 million for non-terminal area capital projects.

3. An explanation of the MAA’s need for, and the amount of, local support that is needed in order for the MAA to garner state, federal, or other grants or sources of financial support;

As part of ongoing design of the terminal area projects as well as ongoing coordination with the FAA, the funding plan for the entire capital improvement plan (CIP) was updated. That funding

plan estimates that over the next eight years, the Airport will require, at a minimum, approximately \$51.7 million, in addition to its other capital funding sources such as federal grants, state grants and direct allocations, PFCs and debt, to fund the projects included in its CIP. Of that \$51.7 million, it is estimated that approximately \$34.7 million will be necessary to fund the terminal area projects and approximately \$17 million to fund other projects identified in the remainder of the Airport's CIP. Those costs relate to the local matches required on federally funded and state supported projects, projects which are not eligible for federal or state funding, and projects which may be eligible for federal or state funding, but for which no such funding is available in the amount or timeframe needed. In those circumstances, airport cash is required to accomplish the project. It should be noted that approximately \$20 million in federal funding and \$40 million in State funding assumed for the terminal area projects is not yet secured and not guaranteed. Should these funding sources not materialize, a potentially significant amount of additional airport cash would be required to fund and complete the project.

Airport cash is provided from three funding sources – the mill levies, state airline carrier tax, and net operating revenues generated from the airport's day-to-day operations. (These include rents, landing fees, concessions, parking, etc.). The approximately \$51.7 million of airport cash needed during this eight-year planning period averages approximately \$6.5 million per year provided by these sources. The analysis assumes the mill levies would continue to provide an average of \$1.6 - \$1.8 million per year of those required funds (approximately 26% of the average year's need).

Thus, the mill levies are needed for the following reasons:

- To provide the required local matches for federal and state grants
- To fund costs ineligible for federal or state grants
- To ensure the Airport maintains prudent levels of year-end cash reserves
- To provide funding for the potential shortfall of discretionary (not guaranteed) grants needed for the terminal apron and terminal expansion projects

**4. An explanation as to how prior years' mill levy revenues were expended on capital, operational or other expense and how the actual such expenditures compared to the need presented to the City Commission in prior year's or prior years' mill levies requested;**

The Airport deposits the mill levies it receives in Fund 563 which it uses to account for Airport construction and improvements. In 2023, the Airport deposited \$1,359,429 in mill levy collections into that fund along with capital funding from other sources including federal AIP grants, COVID relief funds (designated specifically for development projects), state grants, air carrier tax receipts, FTZ fees, PFCs transferred from Fund 564, and interest earnings. Collectively, those funds contributed to a number of projects such as the terminal design and preconstruction phase services as well as acquisition of a long lead-time item (elevator), loading bridge acquisition, parking improvements, engineering services for upcoming projects, and snow removal equipment acquisitions.



**HECTOR INTERNATIONAL AIRPORT**  
**Fargo Municipal Airport Authority**  
**Terminal Expansion and Renovation Design (Construction Documents) - Financial Analysis**  
**Estimated Project Costs and Development Schedule**

17-Jun-24

| Capital Project Descriptions  | Estimated Project Costs and Development Schedule |                     |                      |                     |                  |            |            |            |            |            | Total Escalated Costs |
|---|--|---------------------|----------------------|---------------------|------------------|------------|------------|------------|------------|------------|-----------------------|
|   | Base Year Costs                                  | 2024                | 2025                 | 2026                | 2027             | 2028       | 2029       | 2030       | 2031       |            |                       |
| <b>2024 Base</b>  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| <b>TERMINAL AREA PROJECT COMPONENTS</b>                                       |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| <b>Terminal Renovation and Expansion</b>                                      |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 22 Terminal Design (remaining costs)  | \$879,155  | \$879,155           |                      |                     |                  |            |            |            |            |            | \$879,155             |
| 32 Skyway Design  | 185,000  | 185,000             |                      |                     |                  |            |            |            |            |            | 185,000               |
| 23 Preconstruction Phase Services (remaining costs)                           | 89,517   | 89,517              |                      |                     |                  |            |            |            |            |            | 89,517                |
| 20 GMP #1 - Ticketing Elevator (remaining costs)                              | 531,079  | 531,079             |                      |                     |                  |            |            |            |            |            | 531,079               |
| 21 GMP #2 - Terminal Addition Structural                                      | 17,754,492                                       | 14,460,118          | 3,294,374            |                     |                  |            |            |            |            |            | 17,754,492            |
| 24 GMP #3 - Enclosure and Interiors   | 50,960,966                                       | 3,670,000           | 46,482,821           | 798,145             |                  |            |            |            |            |            | 50,960,966            |
| 37 Future GMP - Skyway and Ramp Vertical Circulation                          | 6,350,684  | 2,200,000           | 4,150,684            |                     |                  |            |            |            |            |            | 6,350,684             |
| 46 Future GMP - Terminal Renovation   | 25,841,878                                       | 8,650,000           | 16,191,878           |                     |                  |            |            |            |            |            | 25,841,878            |
| 26 Construction Administration  | 3,495,320  | 723,531             | 2,771,789            |                     |                  |            |            |            |            |            | 3,495,320             |
| 27 Contingencies/Soft Costs   | 4,030,311  | 834,274             | 2,490,733            | 673,062             |                  |            |            |            |            |            | 4,030,311             |
| 47 Furniture  | 2,321,043  | 2,321,043           |                      |                     |                  |            |            |            |            |            | 2,321,043             |
| <b>Total Estimated Terminal Reno/Exp Costs</b>                                | <b>\$112,439,445</b>                             | <b>\$23,572,674</b> | <b>\$69,759,763</b>  | <b>\$19,246,803</b> | <b>\$860,205</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$112,439,445</b>  |
| <b>Terminal Area Aircraft Parking</b>   |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 28 Terminal Apron Expansion   | 12,500,000                                       | 1,000,000           | 11,500,000           |                     |                  |            |            |            |            |            | 12,500,000            |
| 30 Existing Terminal Apron Reconstruction - Design                            | 848,000  | 848,000             |                      |                     |                  |            |            |            |            |            | 848,000               |
| 29 Glycol Pump Station & Force Main   | 6,000,000  | 6,000,000           |                      |                     |                  |            |            |            |            |            | 6,000,000             |
| 48 Existing Terminal Apron Reconstruction - Phase I                           |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 48 Construction   | 11,622,222                                       |                     | 11,622,222           |                     |                  |            |            |            |            |            | 11,622,222            |
| 52 Existing Terminal Apron Reconstruction - Phase II                          |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 52 Construction   | 5,602,778  |                     | 5,602,778            |                     |                  |            |            |            |            |            | 5,602,778             |
| <b>Total Estimated Terminal Area Aircraft Parking</b>                         | <b>\$36,573,000</b>                              | <b>\$7,848,000</b>  | <b>\$23,122,222</b>  | <b>\$5,602,778</b>  | <b>\$0</b>       | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$36,573,000</b>   |
| <b>Parking Ramp (Garage)</b>  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 31 Parking Ramp - Design  | \$2,000,000                                      | \$2,000,000         |                      |                     |                  |            |            |            |            |            | \$2,000,000           |
| 33 Preconstruction Services (remaining costs)                                 | 77,720   | 77,720              |                      |                     |                  |            |            |            |            |            | 77,720                |
| 34 GMP #1 - Precast   | 16,262,941                                       | 12,463,285          | 3,799,656            |                     |                  |            |            |            |            |            | 16,262,941            |
| 35 GMP #2 - Foundations and Stewwork  | 8,766,244  | 7,600,000           | 1,166,244            |                     |                  |            |            |            |            |            | 8,766,244             |
| 36 GMP #3 - Architectural, Electrical, Plumbing                               | 10,761,623                                       | 5,950,000           | 4,811,623            |                     |                  |            |            |            |            |            | 10,761,623            |
| 38 Future GMP - Temporary Parking Lot   | 799,925  | 799,925             |                      |                     |                  |            |            |            |            |            | 799,925               |
| 39 Contingencies/Soft Costs   | 3,439,828  | 2,520,706           | 919,122              |                     |                  |            |            |            |            |            | 3,439,828             |
| <b>Total Estimated Parking Ramp (Garage) Costs</b>                            | <b>\$42,108,281</b>                              | <b>\$31,411,636</b> | <b>\$10,696,645</b>  | <b>\$0</b>          | <b>\$0</b>       | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$42,108,281</b>   |
| <b>Total Terminal Area Costs *</b>  | <b>\$191,120,726</b>                             | <b>\$62,832,310</b> | <b>\$103,578,630</b> | <b>\$23,849,581</b> | <b>\$860,205</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$191,120,726</b>  |
| <b>2024 Base</b>  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| <b>OTHER CAPITAL PROJECTS</b>   |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| <b>Other Capital Projects 2024</b>  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 40 Electrical Vault & Lighting Replacement                                    | \$722,937  | \$722,937           |                      |                     |                  |            |            |            |            |            | \$722,937             |
| 41 South Perimeter Road Relocation  | 194,814  | 194,814             |                      |                     |                  |            |            |            |            |            | 194,814               |
| 42 GSE Pavement   | 82,620   | 82,620              |                      |                     |                  |            |            |            |            |            | 82,620                |
| 43 Pavement Marking   | 432,320  | 432,320             |                      |                     |                  |            |            |            |            |            | 432,320               |
| 44 South GA Pavement Reconstruction/Rehabilitation - Environmental Assessment | 500,000  | 500,000             |                      |                     |                  |            |            |            |            |            | 500,000               |
| 45 SRE Acquisition (Firm Price)   | 2,114,629  | 2,114,629           |                      |                     |                  |            |            |            |            |            | 2,114,629             |
| <b>Total Other Capital Projects 2024</b>                                      | <b>\$4,047,320</b>                               | <b>\$4,047,320</b>  | <b>\$0</b>           | <b>\$0</b>          | <b>\$0</b>       | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$4,047,320</b>    |
| <b>Other Capital Projects 2025</b>  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 49 Pavement Rehabilitation - Cargo Apron                                      | \$100,000  |                     | \$100,000            |                     |                  |            |            |            |            |            | \$100,000             |
| <b>Total Other Capital Projects 2025</b>                                      | <b>\$100,000</b>                                 | <b>\$0</b>          | <b>\$100,000</b>     | <b>\$0</b>          | <b>\$0</b>       | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$100,000</b>      |

HECTOR INTERNATIONAL AIRPORT  
 Fargo Municipal Airport Authority

FAR CD - V1

Terminal Expansion and Renovation Design (Construction Documents) - Financial Analysis  
 Estimated Project Costs and Development Schedule

Exhibit 1

17-Jun-24

| Estimated Project Costs and Development Schedule                                      |                 |              |               |              |              |             |             |              |              |                       |  |
|---|-----------------|--------------|---------------|--------------|--------------|-------------|-------------|--------------|--------------|-----------------------|--|
| Capital Project Descriptions  | Base Year Costs | 2024         | 2025          | 2026         | 2027         | 2028        | 2029        | 2030         | 2031         | Total Escalated Costs |  |
| 50 Pavement Rehabilitation - Terminal Apron   | 250,000         |              | 257,500       |              |              |             |             |              |              | 257,500               |  |
| 51 Pavement Rehabilitation - Runway 18-36   | 750,000         |              | 772,500       |              |              |             |             |              |              | 772,500               |  |
| Total Other Capital Projects 2025   | \$1,100,000     | \$0          | \$1,133,000   | \$0          | \$0          | \$0         | \$0         | \$0          | \$0          | \$1,133,000           |  |
| Other Capital Projects 2026   |                 |              |               |              |              |             |             |              |              |                       |  |
| 53 Runway 9-27 Extension & Widening Justification Study                               | \$100,000       |              |               | \$100,090    |              |             |             |              |              | \$100,090             |  |
| 54 SRE Acquisition  | 1,000,000       |              |               | 1,060,900    |              |             |             |              |              | 1,060,900             |  |
| Total Other Capital Projects 2026   | \$1,100,000     | \$0          | \$0           | \$1,166,990  | \$0          | \$0         | \$0         | \$0          | \$0          | \$1,166,990           |  |
| Other Capital Projects 2027   |                 |              |               |              |              |             |             |              |              |                       |  |
| 55 Pavement Marking   | \$500,000       |              |               |              | \$546,364    |             |             |              |              | \$546,364             |  |
| 56 Runway 9-27 Environmental Assessment   | 1,000,000       |              |               |              | 1,092,727    |             |             |              |              | 1,092,727             |  |
| 57 North GA Apron Expansion/Perimeter Road Reconstruction - Construction (Schedule 2) | 6,000,000       |              |               |              | 6,556,362    |             |             |              |              | 6,556,362             |  |
| 58 Parking Lots - Mill and Overlay  | 2,000,000       |              |               |              | 2,185,454    |             |             |              |              | 2,185,454             |  |
| 59 South GA Pavement Reconstruction/Rehabilitation - Construction                     | 15,500,000      |              |               |              | 16,937,269   |             |             |              |              | 16,937,269            |  |
| 60 South GA Pavement Reconstruction/Rehabilitation - Soil Mitigation                  | 1,000,000       |              |               |              | 1,092,727    |             |             |              |              | 1,092,727             |  |
| 61 Runway 36 Special Authorization CAT III  | 4,000,000       |              |               |              | 4,370,908    |             |             |              |              | 4,370,908             |  |
| Total Other Capital Projects 2027   | \$30,000,000    | \$0          | \$0           | \$0          | \$32,781,810 | \$0         | \$0         | \$0          | \$0          | \$32,781,810          |  |
| Other Capital Projects 2028   |                 |              |               |              |              |             |             |              |              |                       |  |
| 62 Rwy 9-27 Extension & Widening / Twy C Reconstruction - Design                      | \$3,500,000     |              |               |              |              | \$3,939,281 |             |              |              | \$3,939,281           |  |
| Total Other Capital Projects 2028   | \$3,500,000     | \$0          | \$0           | \$0          | \$0          | \$3,939,281 | \$0         | \$0          | \$0          | \$3,939,281           |  |
| Other Capital Projects 2029   |                 |              |               |              |              |             |             |              |              |                       |  |
| 63 Rwy 9-27 Extension & Widening / Twy C Extension (west end earthwork)               | \$5,000,000     |              |               |              |              |             | \$5,796,370 |              |              | \$5,796,370           |  |
| Total Other Capital Projects 2029   | \$5,000,000     | \$0          | \$0           | \$0          | \$0          | \$0         | \$5,796,370 | \$0          | \$0          | \$5,796,370           |  |
| Other Capital Projects 2030   |                 |              |               |              |              |             |             |              |              |                       |  |
| 64 Rwy 9-27 Extension & Widening / Twy C Extension (west end site work/paving)        | \$16,000,000    |              |               |              |              |             |             | \$19,104,837 |              | \$19,104,837          |  |
| Total Other Capital Projects 2030   | \$16,000,000    | \$0          | \$0           | \$0          | \$0          | \$0         | \$0         | \$19,104,837 | \$0          | \$19,104,837          |  |
| Other Capital Projects 2031   |                 |              |               |              |              |             |             |              |              |                       |  |
| 65 Rwy 9-27 Extension & Widening / Twy C Extension (east end Rwy)                     | \$25,000,000    |              |               |              |              |             |             |              | \$30,746,847 | \$30,746,847          |  |
| 66 North GA Taxi Lane Extensions  | 1,000,000       |              |               |              |              |             |             |              | 1,229,874    | 1,229,874             |  |
| 67 Pavement Rehabilitation  | 1,000,000       |              |               |              |              |             |             |              | 1,229,874    | 1,229,874             |  |
| 68 Pavement Marking   | 500,000         |              |               |              |              |             |             |              | 614,937      | 614,937               |  |
| 69 SRE Acquisition  | 1,000,000       |              |               |              |              |             |             |              | 1,229,874    | 1,229,874             |  |
| Total Other Capital Projects 2031   | \$28,500,000    | \$0          | \$0           | \$0          | \$0          | \$0         | \$0         | \$0          | \$35,051,405 | \$35,051,405          |  |
| Other Capital Project Costs   | \$89,247,320    | \$4,047,320  | \$1,133,000   | \$1,166,990  | \$32,781,810 | \$3,939,281 | \$5,796,370 | \$19,104,837 | \$35,051,405 | \$103,021,013         |  |
| Total Terminal and Other Capital Project Costs  | \$280,368,046   | \$66,879,630 | \$104,711,630 | \$25,016,571 | \$33,642,015 | \$3,939,281 | \$5,796,370 | \$19,104,837 | \$35,051,405 | \$294,141,739         |  |

\* Note: Terminal Area Costs have been reduced by \$8,353,077 in costs incurred in 2023.

HECTOR INTERNATIONAL AIRPORT  
 Fargo Municipal Airport Authority

FAR CD - V1

Terminal Expansion and Renovation Design (Construction Documents) - Financial Analysis  
 Estimated Project Costs and Development Schedule

Exhibit 1

17-Jun-24

| Capital Project Descriptions             | Base Year Costs  | Estimated Project Costs and Development Schedule |                     |                      |                     |                  |            |            |            |            |            | Total Escalated Costs |
|--|--|--|---------------------|----------------------|---------------------|------------------|------------|------------|------------|------------|------------|-----------------------|
|  |  | 2024   | 2025                | 2026                 | 2027                | 2028             | 2029       | 2030       | 2031       |            |            |                       |
| <b>TERMINAL AREA PROJECT COMPONENTS</b>  |  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| <b>Terminal Renovation and Expansion</b> |  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 22                                       | Terminal Design (remaining costs)  | \$879,155  |                     |                      |                     |                  |            |            |            |            |            | \$879,155             |
| 32                                       | Skyway Design  | 185,000  |                     |                      |                     |                  |            |            |            |            |            | 185,000               |
| 23                                       | Preconstruction Phase Services (remaining costs)                           | 89,517   |                     |                      |                     |                  |            |            |            |            |            | 89,517                |
| 20                                       | GMP #1 - Ticketing Elevator (remaining costs)                              | 531,079  |                     |                      |                     |                  |            |            |            |            |            | 531,079               |
| 21                                       | GMP #2 - Terminal Addition Structural                                      | 17,754,492                                       | 3,294,374           |                      |                     |                  |            |            |            |            |            | 17,754,492            |
| 24                                       | GMP #3 - Enclosure and Interiors   | 50,960,966                                       | 3,670,000           | 46,492,821           |                     |                  |            |            |            |            |            | 50,960,966            |
| 37                                       | Future GMP - Skyway and Ramp Vertical Circulation                          | 6,350,684  | 2,200,000           | 4,150,684            |                     |                  |            |            |            |            |            | 6,350,684             |
| 46                                       | Future GMP - Terminal Renovation   | 25,841,878                                       | 8,850,000           | 16,191,878           | 800,000             |                  |            |            |            |            |            | 25,841,878            |
| 26                                       | Construction Administration  | 3,495,320  | 2,160,108           | 583,718              | 27,963              |                  |            |            |            |            |            | 3,495,320             |
| 27                                       | Contingencies/Soft Costs   | 4,030,311  | 834,274             | 2,490,733            | 673,062             | 32,242           |            |            |            |            |            | 4,030,311             |
| 47                                       | Furniture  | 2,321,043  | 2,321,043           |                      |                     |                  |            |            |            |            |            | 2,321,043             |
|  | <b>Total Estimated Terminal Reno/Exp Costs</b>                             | <b>\$112,439,445</b>                             | <b>\$23,572,674</b> | <b>\$69,759,763</b>  | <b>\$18,246,803</b> | <b>\$860,205</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$112,439,445</b>  |
| <b>Terminal Area Aircraft Parking</b>    |  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 28                                       | Terminal Apron Expansion   | 12,500,000                                       | 1,000,000           | 11,500,000           |                     |                  |            |            |            |            |            | 12,500,000            |
| 30                                       | Existing Terminal Apron Reconstruction - Design                            | 848,000  | 848,000             |                      |                     |                  |            |            |            |            |            | 848,000               |
| 29                                       | Glycol Pump Station & Forcemain  | 6,000,000  | 6,000,000           |                      |                     |                  |            |            |            |            |            | 6,000,000             |
| 48                                       | Existing Terminal Apron Reconstruction - Phase I Construction              | 11,622,222                                       | 11,622,222          |                      |                     |                  |            |            |            |            |            | 11,622,222            |
| 52                                       | Existing Terminal Apron Reconstruction - Phase II Construction             | 5,602,778  | 5,602,778           |                      |                     |                  |            |            |            |            |            | 5,602,778             |
|  | <b>Total Estimated Terminal Area Aircraft Parking</b>                      | <b>\$36,573,000</b>                              | <b>\$7,848,000</b>  | <b>\$23,122,222</b>  | <b>\$5,602,778</b>  | <b>\$0</b>       | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$36,573,000</b>   |
| <b>Parking Ramp (Garage)</b>             |  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 31                                       | Parking Ramp - Design  | \$2,000,000                                      |                     |                      |                     |                  |            |            |            |            |            | \$2,000,000           |
| 33                                       | Preconstruction Services (remaining costs)                                 | 77,720   | 77,720              |                      |                     |                  |            |            |            |            |            | 77,720                |
| 34                                       | GMP #1 - Precast   | 16,262,941                                       | 12,463,285          | 3,799,656            |                     |                  |            |            |            |            |            | 16,262,941            |
| 35                                       | GMP #2 - Foundations and Sitework  | 8,766,244  | 7,600,000           | 1,166,244            |                     |                  |            |            |            |            |            | 8,766,244             |
| 36                                       | GMP #3 - Architectural, Electrical, Plumbing                               | 10,761,623                                       | 5,950,000           | 4,811,623            |                     |                  |            |            |            |            |            | 10,761,623            |
| 38                                       | Future GMP - Temporary Parking Lot   | 799,925  | 799,925             |                      |                     |                  |            |            |            |            |            | 799,925               |
| 39                                       | Contingencies/Soft Costs   | 3,439,828  | 2,520,706           | 919,122              |                     |                  |            |            |            |            |            | 3,439,828             |
|  | <b>Total Estimated Parking Ramp (Garage) Costs</b>                         | <b>\$42,108,281</b>                              | <b>\$31,411,636</b> | <b>\$10,695,645</b>  | <b>\$0</b>          | <b>\$860,205</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$42,108,281</b>   |
|  | <b>Total Terminal Area Costs *</b>   | <b>\$191,120,726</b>                             | <b>\$62,832,310</b> | <b>\$103,578,630</b> | <b>\$23,849,581</b> | <b>\$860,205</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$191,120,726</b>  |
| <b>OTHER CAPITAL PROJECTS</b>            |  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| <b>Other Capital Projects 2024</b>       |  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 40                                       | Electrical Vault & Lighting Replacement                                    | \$722,937  |                     |                      |                     |                  |            |            |            |            |            | \$722,937             |
| 41                                       | South Perimeter Road Relocation  | 194,814  | 194,814             |                      |                     |                  |            |            |            |            |            | 194,814               |
| 42                                       | GSE Pavement   | 82,620   | 82,620              |                      |                     |                  |            |            |            |            |            | 82,620                |
| 43                                       | Pavement Marking   | 432,320  | 432,320             |                      |                     |                  |            |            |            |            |            | 432,320               |
| 44                                       | South GA Pavement Reconstruction/Rehabilitation - Environmental Assessment | 500,000  | 500,000             |                      |                     |                  |            |            |            |            |            | 500,000               |
| 45                                       | SRE Acquisition (Firm Price)   | 2,114,629  | 2,114,629           |                      |                     |                  |            |            |            |            |            | 2,114,629             |
|  | <b>Total Other Capital Projects 2024</b>                                   | <b>\$4,047,320</b>                               | <b>\$4,047,320</b>  | <b>\$0</b>           | <b>\$0</b>          | <b>\$0</b>       | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$4,047,320</b>    |
| <b>Other Capital Projects 2025</b>       |  |  |                     |                      |                     |                  |            |            |            |            |            |                       |
| 49                                       | Pavement Rehabilitation - Cargo Apron                                      | \$100,000  |                     |                      |                     |                  |            |            |            |            |            | \$100,000             |

**HECTOR INTERNATIONAL AIRPORT**  
**Fargo Municipal Airport Authority**  
**Terminal Expansion and Renovation Design (Construction Documents) - Financial Analysis**  
**Estimated Project Costs and Development Schedule**

17-Jun-24

|   |                 | Estimated Project Costs and Development Schedule |               |              |              |             |             |              |              |              |               | Total Escalated Costs |
|---|-----------------|--|---------------|--------------|--------------|-------------|-------------|--------------|--------------|--------------|---------------|-----------------------|
| Capital Project Descriptions  | Base Year Costs | 2024   | 2025          | 2026         | 2027         | 2028        | 2029        | 2030         | 2031         | 2031         |               |                       |
| 50 Pavement Rehabilitation - Terminal Apron   | 250,000         |  | 257,500       |              |              |             |             |              |              |              | 257,500       |                       |
| 51 Pavement Rehabilitation - Runway 18-36   | 750,000         |  | 772,500       |              |              |             |             |              |              |              | 772,500       |                       |
| Total Other Capital Projects 2025   | \$1,100,000     | \$0  | \$1,133,000   | \$0          | \$0          | \$0         | \$0         | \$0          | \$0          | \$0          | \$1,133,000   |                       |
| Other Capital Projects 2026   |                 |  |               |              |              |             |             |              |              |              |               |                       |
| 53 Runway 9-27 Extension & Widening Justification Study                               | \$100,000       |  |               | \$106,090    |              |             |             |              |              |              | \$106,090     |                       |
| 54 SRE Acquisition  | 1,000,000       |  |               | 1,050,900    |              |             |             |              |              |              | 1,060,900     |                       |
| Total Other Capital Projects 2026   | \$1,100,000     | \$0  | \$0           | \$1,166,990  | \$0          | \$0         | \$0         | \$0          | \$0          | \$0          | \$1,166,990   |                       |
| Other Capital Projects 2027   |                 |  |               |              |              |             |             |              |              |              |               |                       |
| 55 Pavement Marking   | \$500,000       |  |               |              | \$546,364    |             |             |              |              |              | \$546,364     |                       |
| 56 Runway 9-27 Environmental Assessment   | 1,000,000       |  |               |              | 1,092,727    |             |             |              |              |              | 1,092,727     |                       |
| 57 North GA Apron Expansion/Perimeter Road Reconstruction - Construction (Schedule 2) | 6,000,000       |  |               |              | 6,556,362    |             |             |              |              |              | 6,556,362     |                       |
| 58 Parking Lots - Mill and Overlay  | 2,000,000       |  |               |              | 2,185,454    |             |             |              |              |              | 2,185,454     |                       |
| 59 South GA Pavement Reconstruction/Rehabilitation - Construction                     | 15,500,000      |  |               |              | 16,937,269   |             |             |              |              |              | 16,937,269    |                       |
| 60 South GA Pavement Reconstruction/Rehabilitation - Soil Mitigation                  | 1,000,000       |  |               |              | 1,092,727    |             |             |              |              |              | 1,092,727     |                       |
| 61 Runway 36 Special Authorization CAT III  | 4,000,000       |  |               |              | 4,370,908    |             |             |              |              |              | 4,370,908     |                       |
| Total Other Capital Projects 2027   | \$30,000,000    | \$0  | \$0           | \$0          | \$32,781,810 | \$0         | \$0         | \$0          | \$0          | \$0          | \$32,781,810  |                       |
| Other Capital Projects 2028   |                 |  |               |              |              |             |             |              |              |              |               |                       |
| 62 Rwy 9-27 Extension & Widening / Twy C Reconstruction - Design                      | \$3,500,000     | \$0  | \$0           | \$0          | \$3,939,281  | \$3,939,281 |             |              |              |              | \$3,939,281   |                       |
| Total Other Capital Projects 2028   | \$3,500,000     | \$0  | \$0           | \$0          | \$0          | \$3,939,281 | \$0         | \$0          | \$0          | \$0          | \$3,939,281   |                       |
| Other Capital Projects 2029   |                 |  |               |              |              |             |             |              |              |              |               |                       |
| 63 Rwy 9-27 Extension & Widening / Twy C Extension (west end earthwork)               | \$5,000,000     | \$0  | \$0           | \$0          | \$0          | \$0         | \$5,796,370 |              |              |              | \$5,796,370   |                       |
| Total Other Capital Projects 2029   | \$5,000,000     | \$0  | \$0           | \$0          | \$0          | \$0         | \$5,796,370 | \$0          | \$0          | \$0          | \$5,796,370   |                       |
| Other Capital Projects 2030   |                 |  |               |              |              |             |             |              |              |              |               |                       |
| 64 Rwy 9-27 Extension & Widening / Twy C Extension (west end site work/paving)        | \$16,000,000    | \$0  | \$0           | \$0          | \$0          | \$0         | \$0         | \$19,104,837 |              |              | \$19,104,837  |                       |
| Total Other Capital Projects 2030   | \$16,000,000    | \$0  | \$0           | \$0          | \$0          | \$0         | \$0         | \$19,104,837 | \$0          | \$0          | \$19,104,837  |                       |
| Other Capital Projects 2031   |                 |  |               |              |              |             |             |              |              |              |               |                       |
| 65 Rwy 9-27 Extension & Widening / Twy C Extension (east end Rwy)                     | \$25,000,000    |  |               |              | \$30,746,847 |             |             |              |              |              | \$30,746,847  |                       |
| 66 North GA Taxi Lane Extensions  | 1,000,000       |  |               |              | 1,229,874    |             |             |              |              |              | 1,229,874     |                       |
| 67 Pavement Rehabilitation  | 1,000,000       |  |               |              | 1,229,874    |             |             |              |              |              | 1,229,874     |                       |
| 68 Pavement Marking   | 500,000         |  |               |              | 614,937      |             |             |              |              |              | 614,937       |                       |
| 69 SRE Acquisition  | 1,000,000       |  |               |              | 1,229,874    |             |             |              |              |              | 1,229,874     |                       |
| Total Other Capital Projects 2031   | \$28,500,000    | \$0  | \$0           | \$0          | \$35,051,405 | \$0         | \$0         | \$0          | \$0          | \$0          | \$35,051,405  |                       |
| Other Capital Project Costs   | \$69,247,320    | \$4,047,320                                      | \$1,133,000   | \$1,166,990  | \$32,781,810 | \$3,939,281 | \$5,796,370 | \$19,104,837 | \$19,104,837 | \$19,104,837 | \$103,021,013 |                       |
| Total Terminal and Other Capital Project Costs  | \$280,368,046   | \$66,879,630                                     | \$104,711,630 | \$25,016,571 | \$33,642,015 | \$3,939,281 | \$5,796,370 | \$19,104,837 | \$19,104,837 | \$19,104,837 | \$294,141,739 |                       |

\* Note: Terminal Area Costs have been reduced by \$8,353,077 in costs incurred in 2023.



# IMPACT OF LOSING TAX MILL LEVY

## Debt Impact

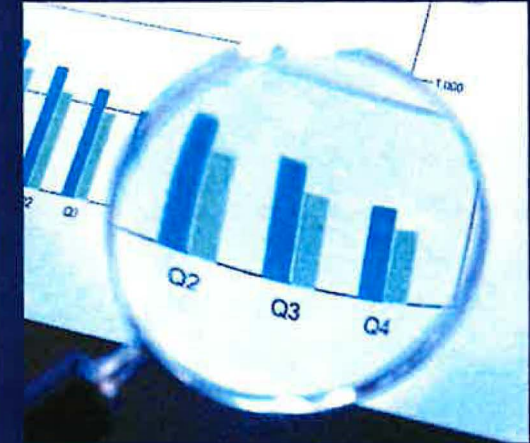
- The Airport Authority already needs to borrow \$63M to complete the Terminal Expansion Project and the Parking Garage
- Losing the Tax Mill Levy would increase the borrowing for these projects by \$4.0M

## Interest Expense

- Under current borrowing conditions, this will cost approximately \$2.3M in additional interest expense over the life of the loan

## Future Operations

- If the Tax Mill levy never returns, it would put significant stress on the Airports Future Operations as we will lose over \$18M during the next 10 years





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## Memorandum

DATE: June 24, 2024  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Shawn Ouradnik, Inspections Director  
SUBJECT: Dangerous Building Public Hearing 909 4TH ST N, Fargo, ND 58102

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The property owner of 909 4TH ST N, Fargo, ND 58102, Fargo ND, has failed to comply with the order to either obtain a permit to repair or remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-04, a hearing date is scheduled for June 24, 2024.

Article 21-0406 also allows court action if that is the course the commission chooses to take.

Article 21-0412 allows any person desiring to appeal the order issued by the board of city commissioners to do so in the district court.

The recommendation is to **designate this a dangerous building, direct the City Attorney to prepare findings of fact in this matter, and order its removal on August 23, 2024. Please direct the appropriate staff to secure the removal of this building should the owner fail to do so.**

**Property Information:** Building is currently uninhabitable due to condition.

**Location:** 909 4TH ST N, Fargo, ND 58102

**Owner:** Noah T & Sarah M Gunderson

**Description:** 1549 square foot two story, wood-framed house constructed in 1916 and detached 2 stall garage

**Description of Damage:**

- Large amounts of garbage and junk in rear yard
- Garage roof has a noticeable sag/ rafters show signs of water damage
- Large amounts of unpermitted electrical in house and garage
- Entry doors of house and garage are kicked in
- Multiple broken windows
- Missing siding on house
- Deteriorated weather barrier on house and garage trim, soffit, and fascia
- Significant rot and deterioration of porch
- Inhabitable rooms in basement are being used for sleeping purposes
- Habitable bedrooms have deadbolts on the doors
- Smoke alarms have been removed
- Noticeable movement in the foundation/ exposed foam covering foundation walls
- Portions of the kitchen ceiling have been removed
- Drug paraphernalia
- 68 calls of service to date in 2024
- Water meter has been tampered with

**TimeLine of Events:**

4/19/2024 – Alerted to possible Dangerous Building conducted inspections of exterior and interior

4/22/2024 - Structures posted as Dangerous Buildings with order to vacate Notices sent to owner

4/30/2024 - Structures scheduled to be secured, canceled action because of safety concerns

5/8/2024 - Structures cleared by PD and secured

Spoke to attorney for Wilmington Savings Fund Society about property and pending foreclosure actions

Attempted to contact owner through phone call, did not speak to owner

Emailed owner notices

- 5/9/2024 - Received email response from owner, information in packet
- 5/28/2024 - Received information of squatter activity.
- 5/29/2024 - PD cleared structures. Rescued structure.
- 6/10/2024 - Public Hearing requested for June 24, 2024 at city commission
- 6/11/2024 - Posted and sent Hearing Notices.
- 6/12/2024 - Report of attempt to enter structure. Some securing materials compromised but entry was not gained.
- 6/13/2024 - Rescued structure.
- 6/24/2024 - Public Hearing at City Commission

**Additional Information:** This property was inhabited by squatters and has had to be re-secured twice as a result of unauthorized people attempting to enter the dangerous building. The property has been without electrical power for some time and the water meter had been tampered with in the past. Utilities was hesitant to enter the structure and remove or repair the water meter due to the nature of the people squatting in the structure. The owner of the property has been difficult to communicate with. He has indicated to our department on two separate occasions that he does not live in the house. He was unaware that the house was in foreclosure. The bank, Wilmington Savings Fund Society, has been informed of the state of the property. They will be taking possession of the property after the redemption period for the foreclosure has expired. They have asked to be allowed to evaluate the property to see if it is in their best interest to repair the structures or remove them. The current owner has indicated the house has been sold but has not shared any purchase agreement or other documentation to substantiate that claim. No purchaser has contacted our office. We did allow the owner to enter the structure to retrieve some personal items and have potential buyers view the home.



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## Memorandum

DATE: June 10, 2024  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Shawn Ouradnik, Inspections Director  
SUBJECT: Dangerous Building Public Hearing Request 909 4TH ST N, Fargo, ND 58102

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The property owner of 909 4TH ST N, Fargo, ND 58102 Noah Gunderson have failed to comply with the order to either obtain a permit to repair or remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-04, it will now be necessary for you to set a date for a hearing of this order at which time the property owner will be able to appear and show cause why the building should not be removed and the costs of that removal assessed against this property.

The recommendation is **to make a motion, in accordance with FMC Article 21-0405, to set 5:15 pm Monday, June 24, 2024 as the time and date for the hearing regarding the dangerous building order for the structure at 909 4TH ST N, Fargo, ND.**



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**Notice of Dangerous Building Hearing – Order to Show Cause**

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**Date: June 11, 2024**

**Location: 909 4TH ST N, Fargo, ND 58102**  
**Property Owner: Noah T & Sarah M Gunderson**  
**Address of Property Owner: 909 4TH ST N, Fargo, ND 58102**

**Inspector: Bill Thompson**  
**Date of Posting: 4/22/2024**

Ordinance 21-0405 of the Fargo Municipal Code states:

The board of city commissioners shall:

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

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

A hearing regarding the dangerous building located at Address, Fargo, ND has been scheduled for, Monday, June 24, 2024 at 5:15 PM. The hearing will take place in the City Commission Chambers, located at 225 4th Street N., Fargo, ND 58102.

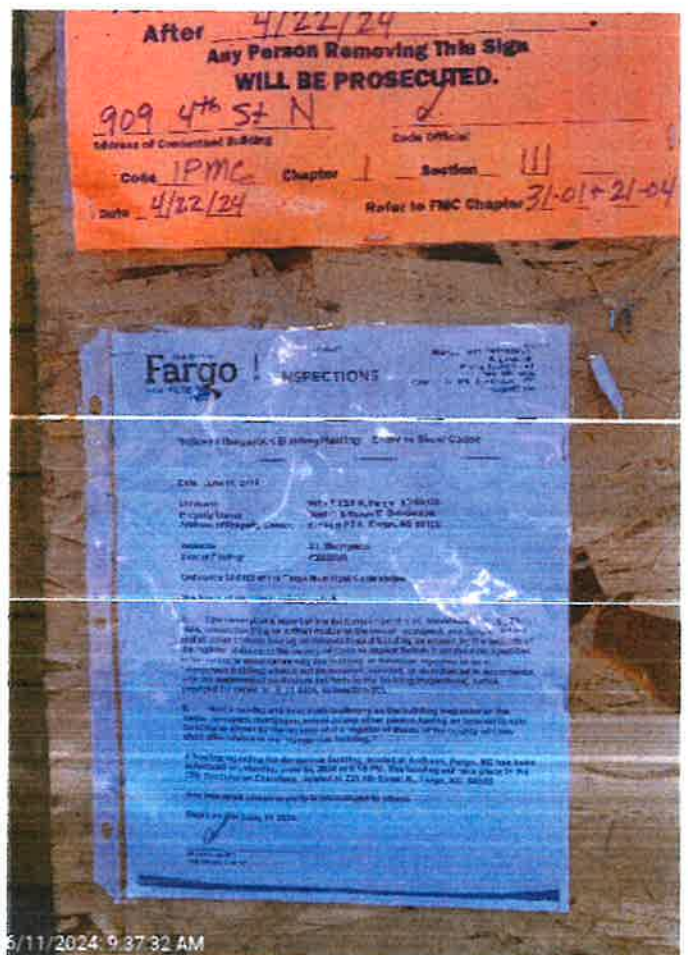
Any interested person or party is encouraged to attend.

Dated on this June, 11 2024.

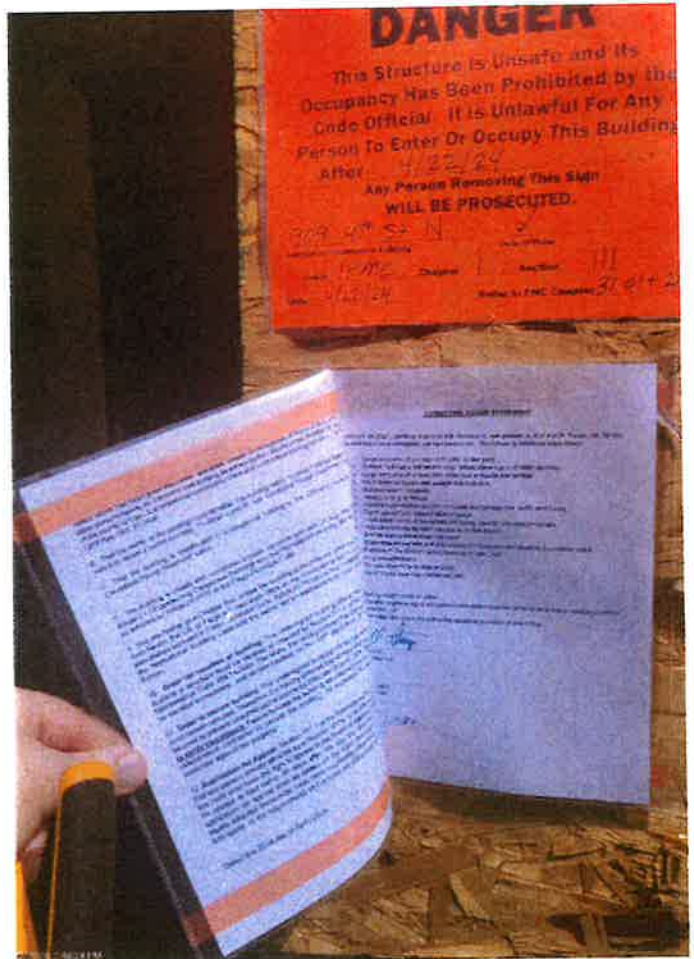
  
\_\_\_\_\_  
Shawn Ouradnik  
Inspections Director



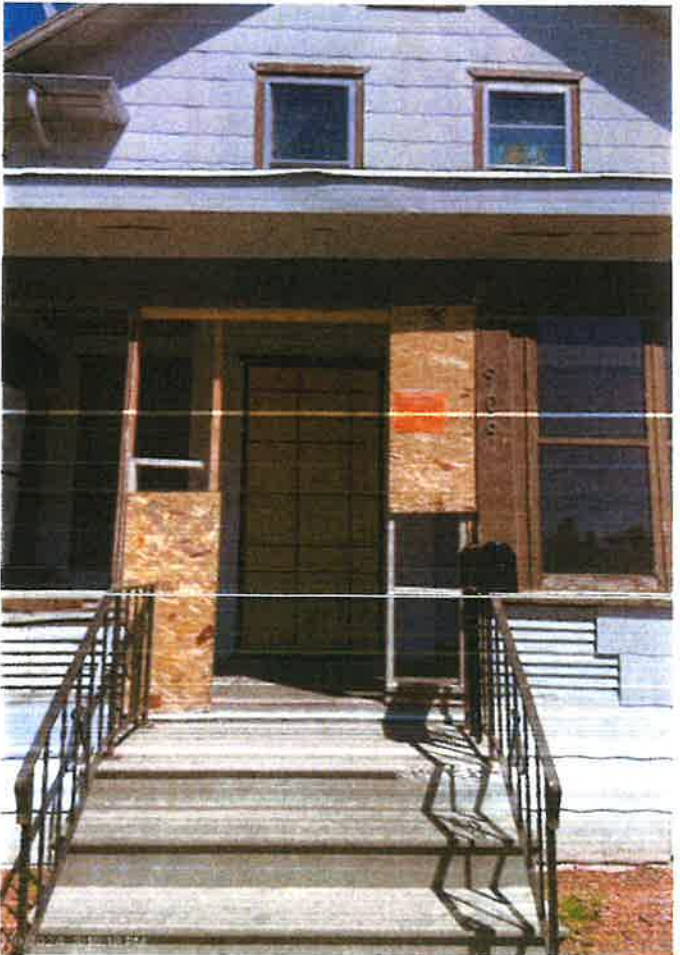
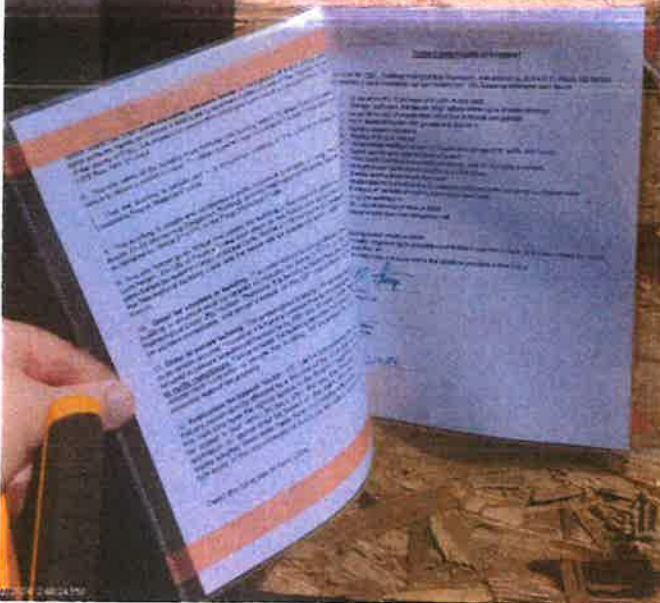
















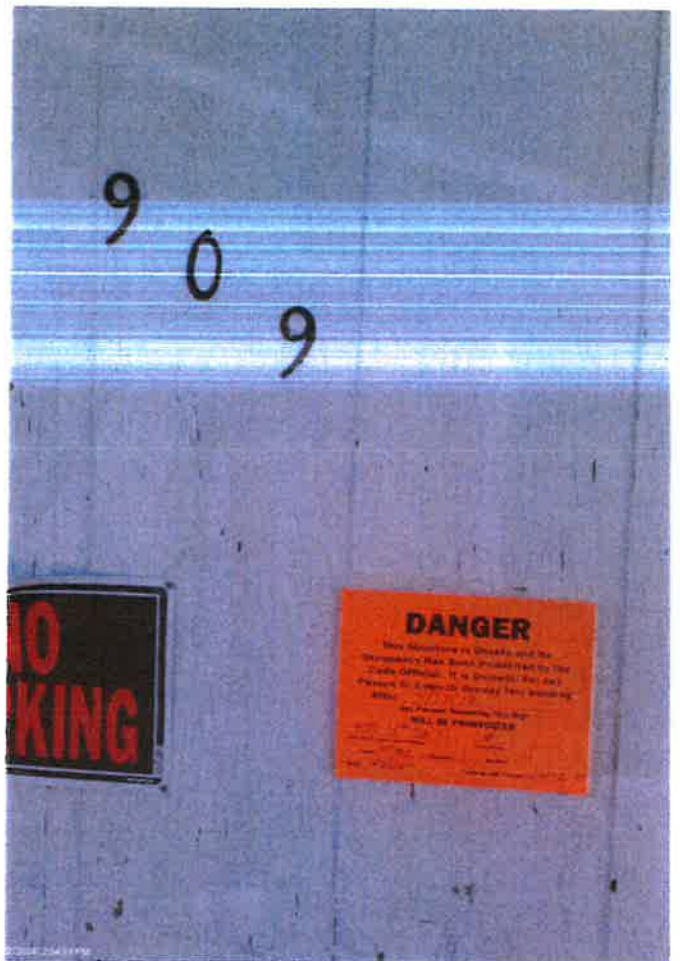
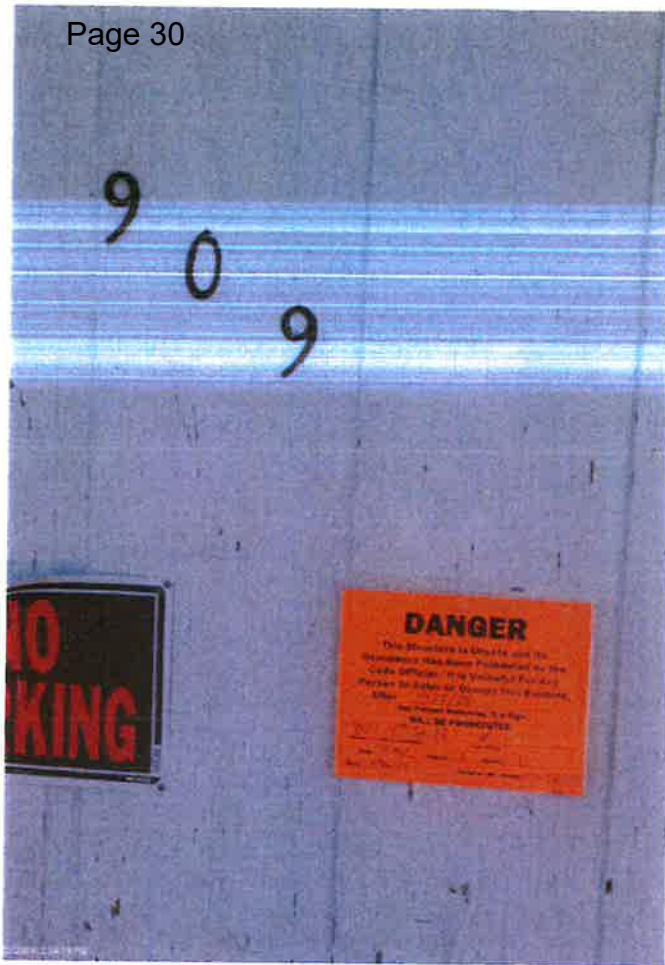








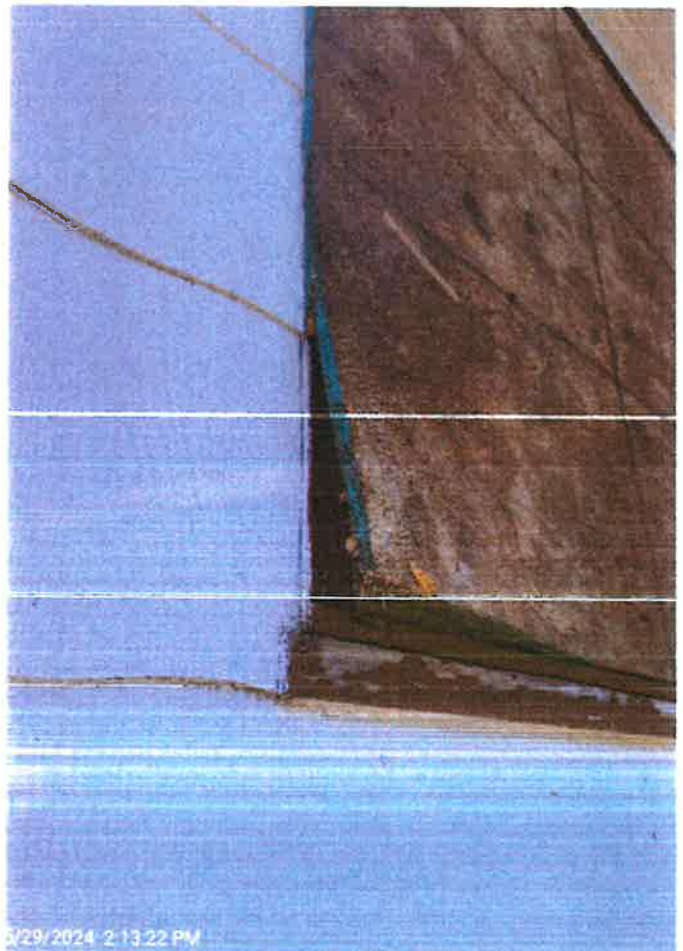
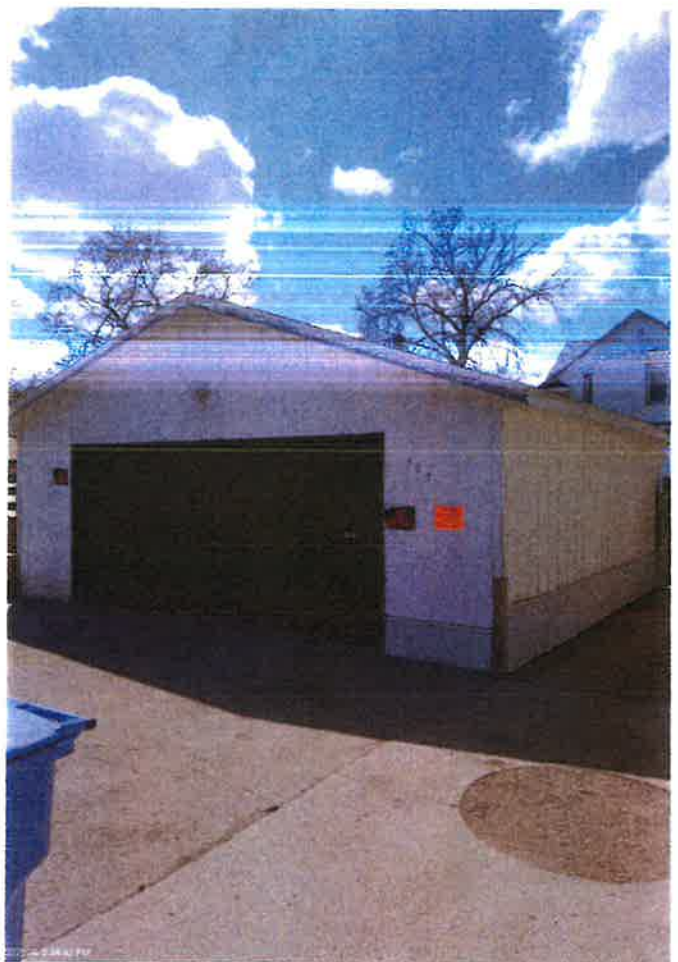








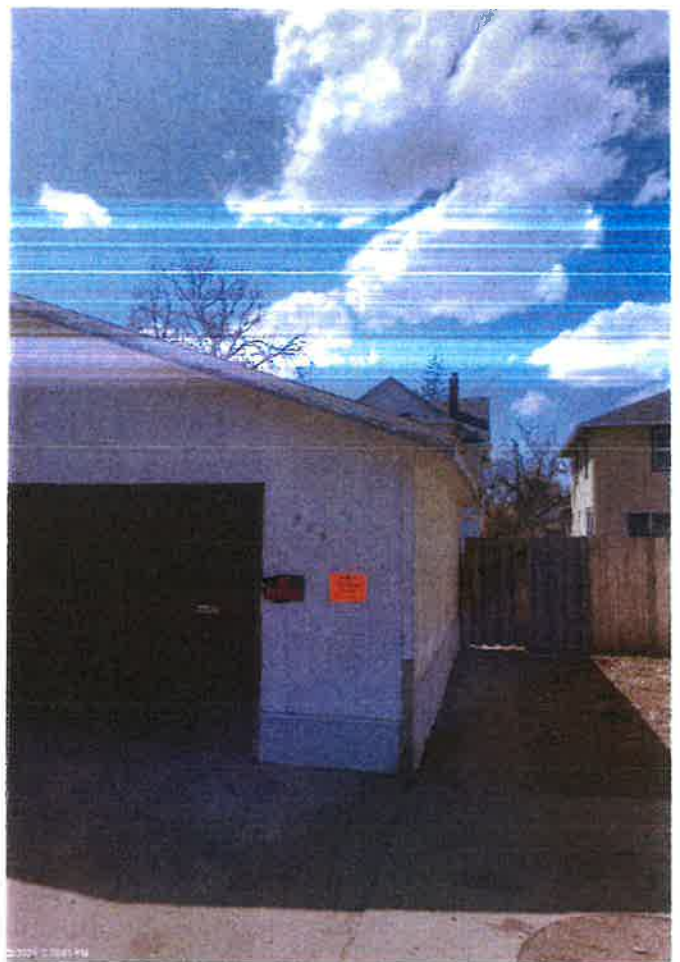








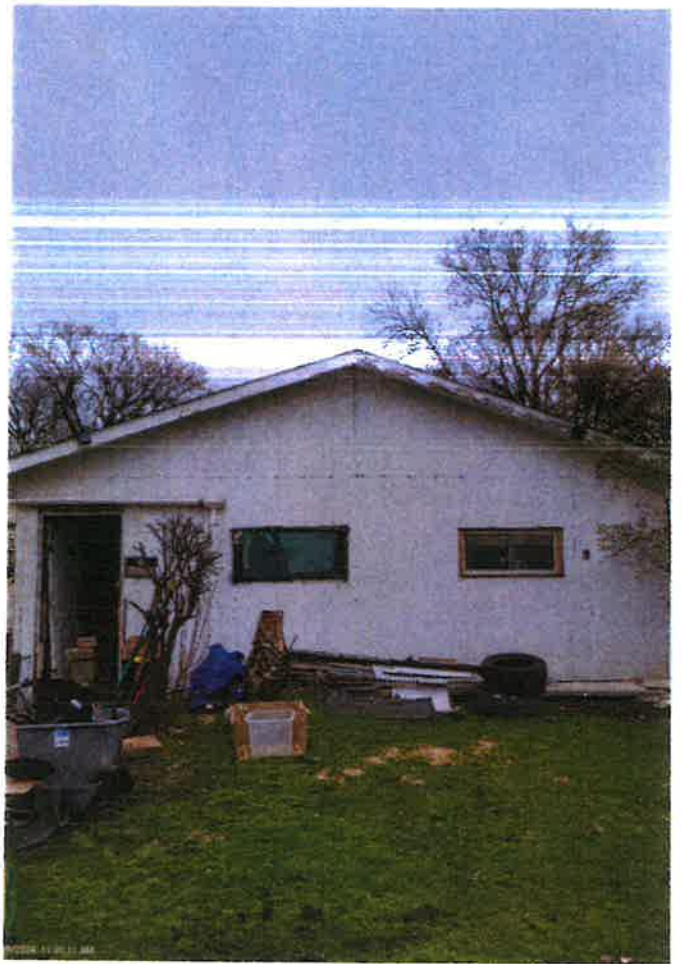




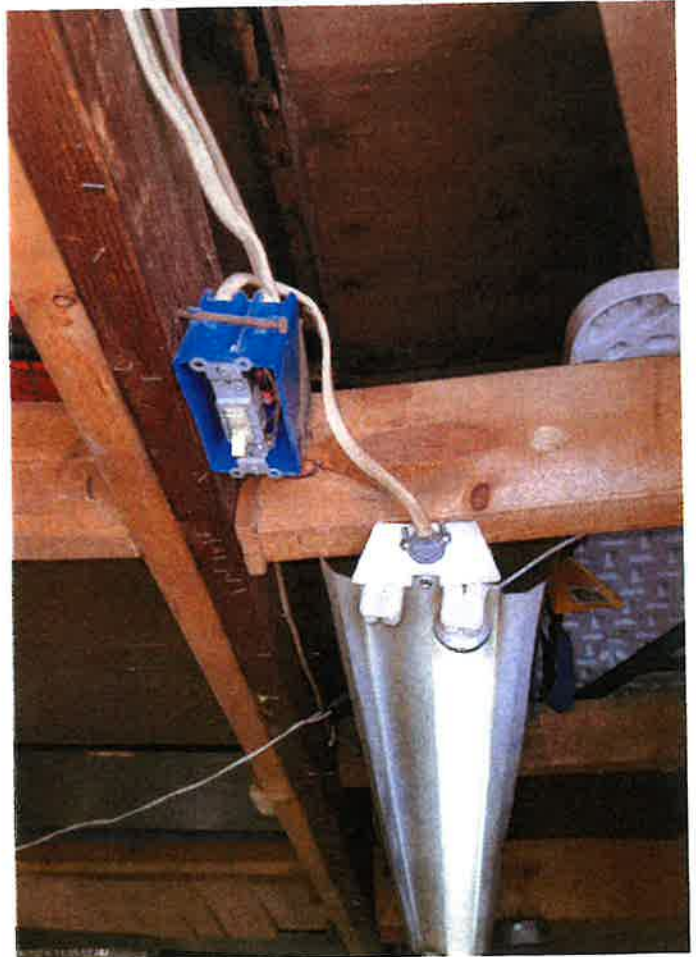
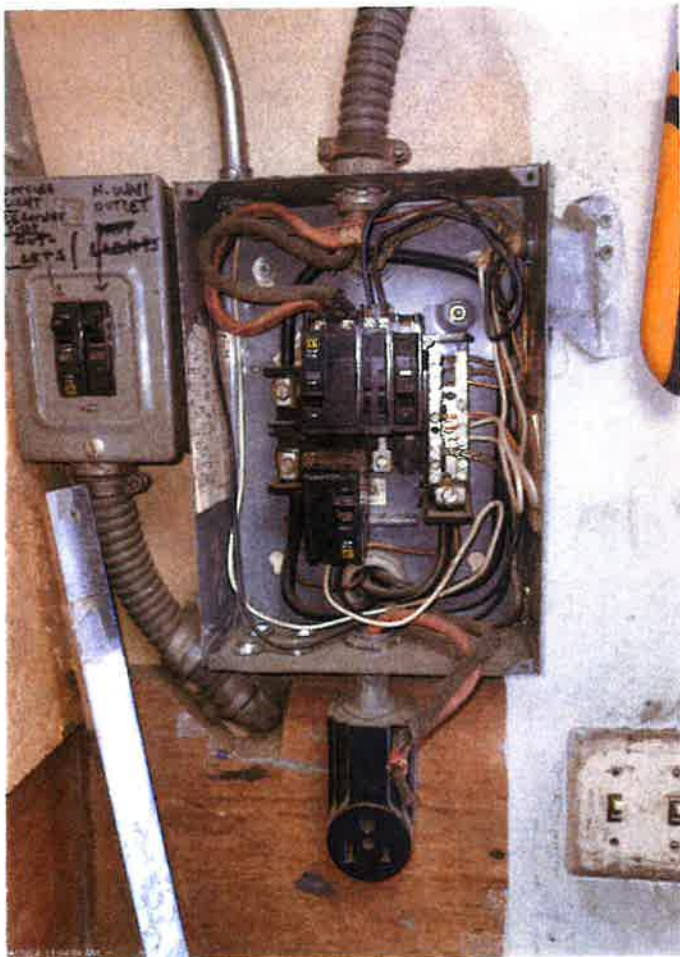




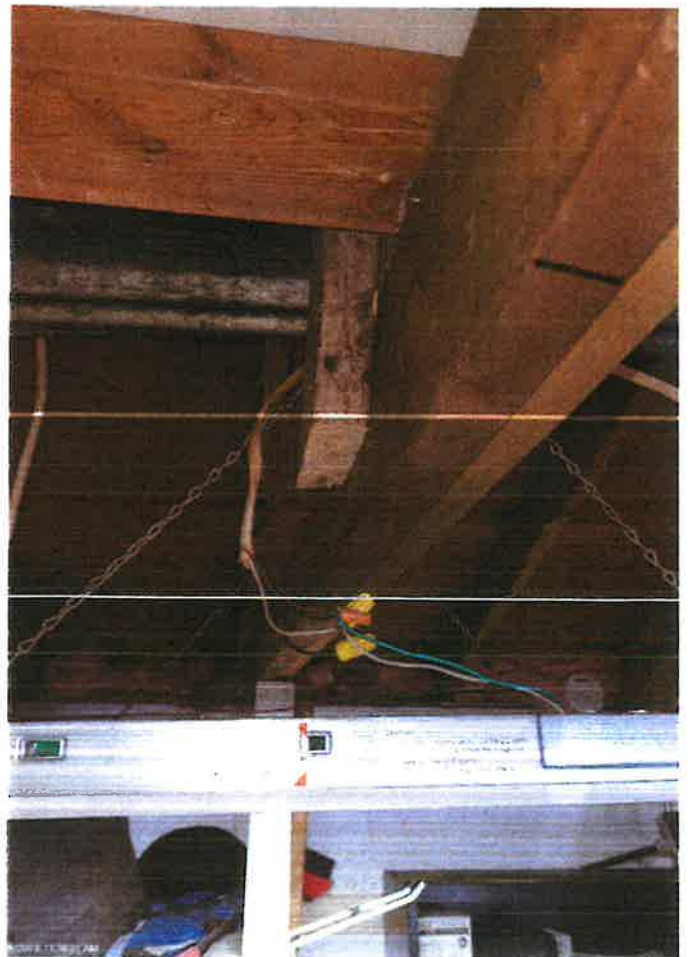
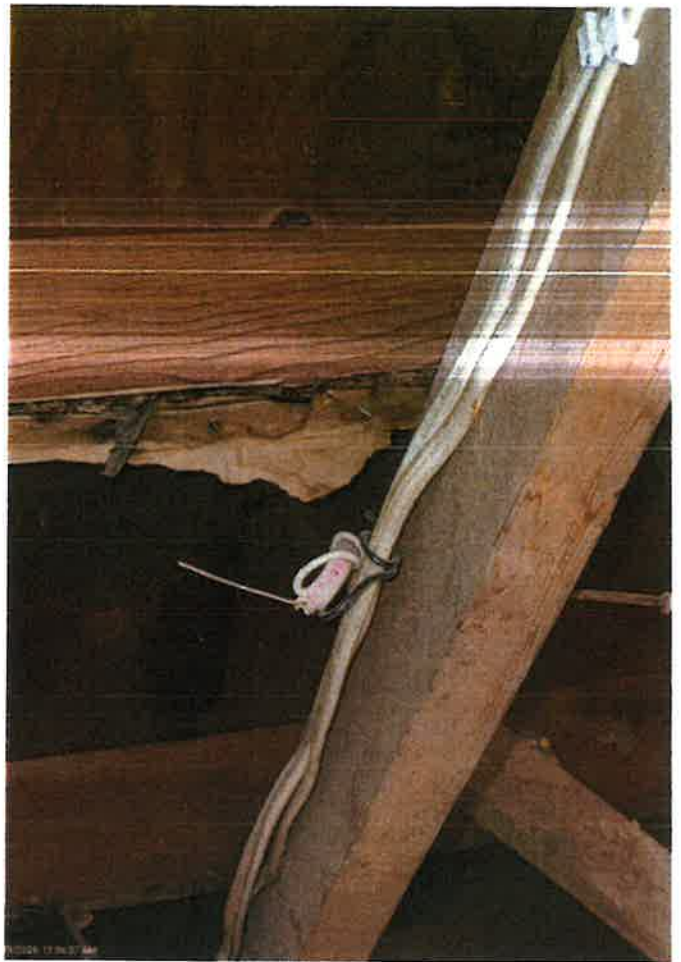








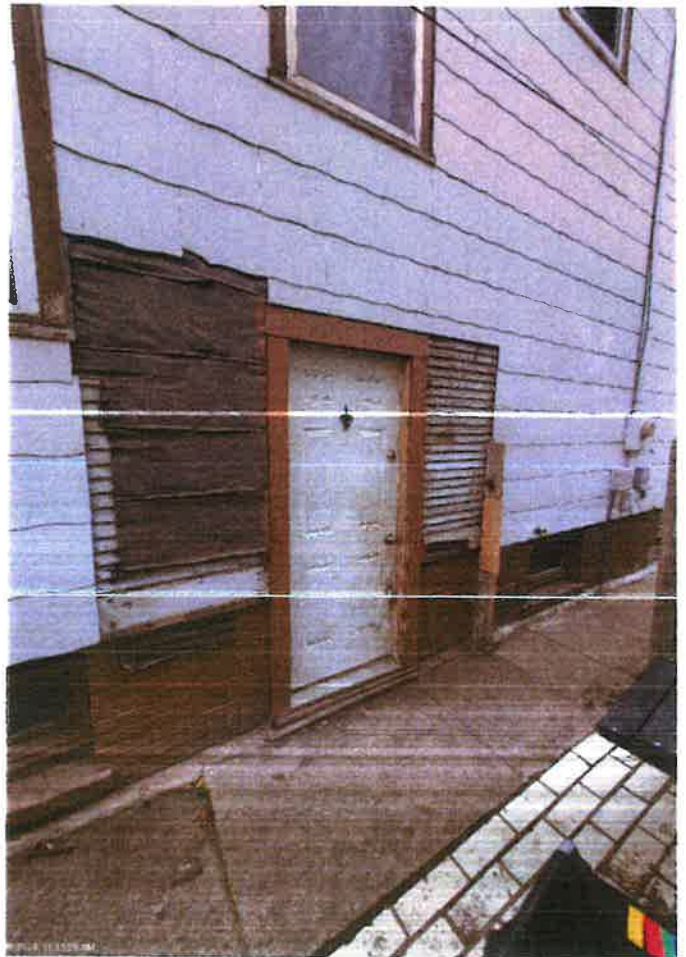
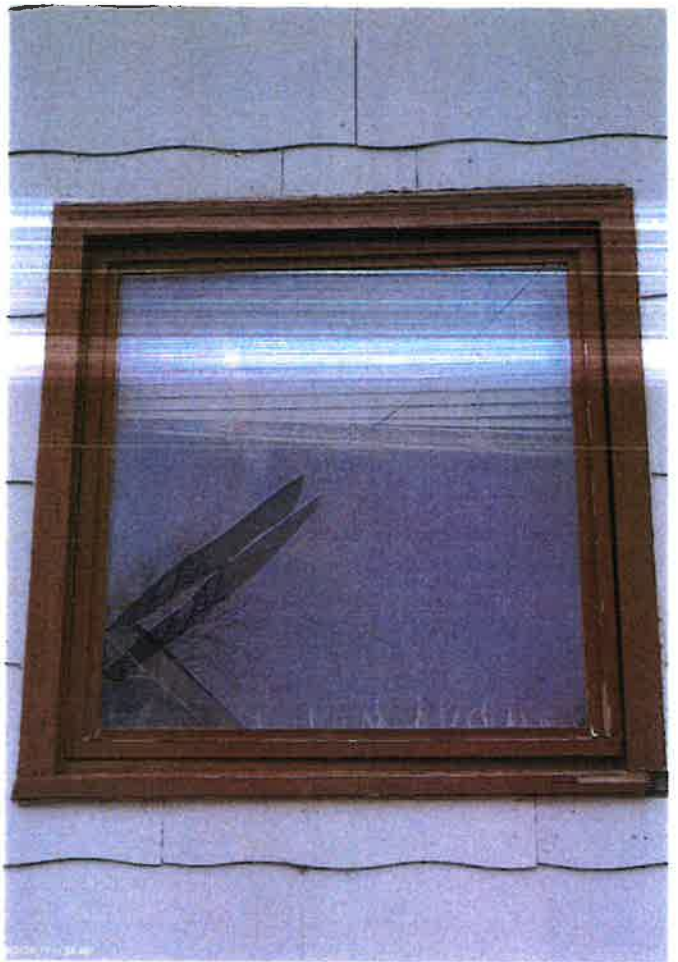
















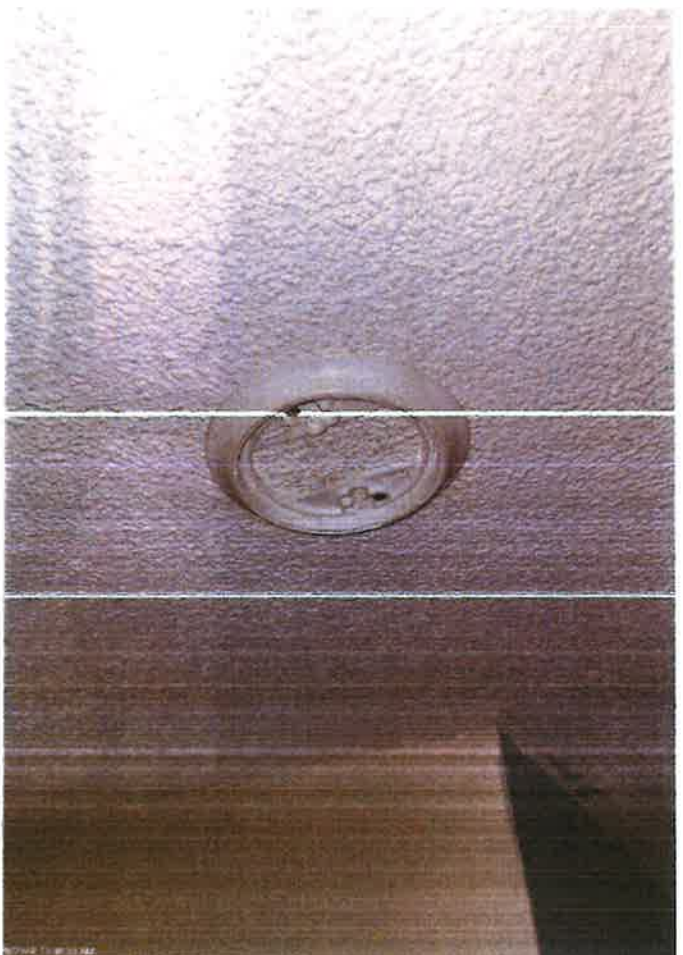
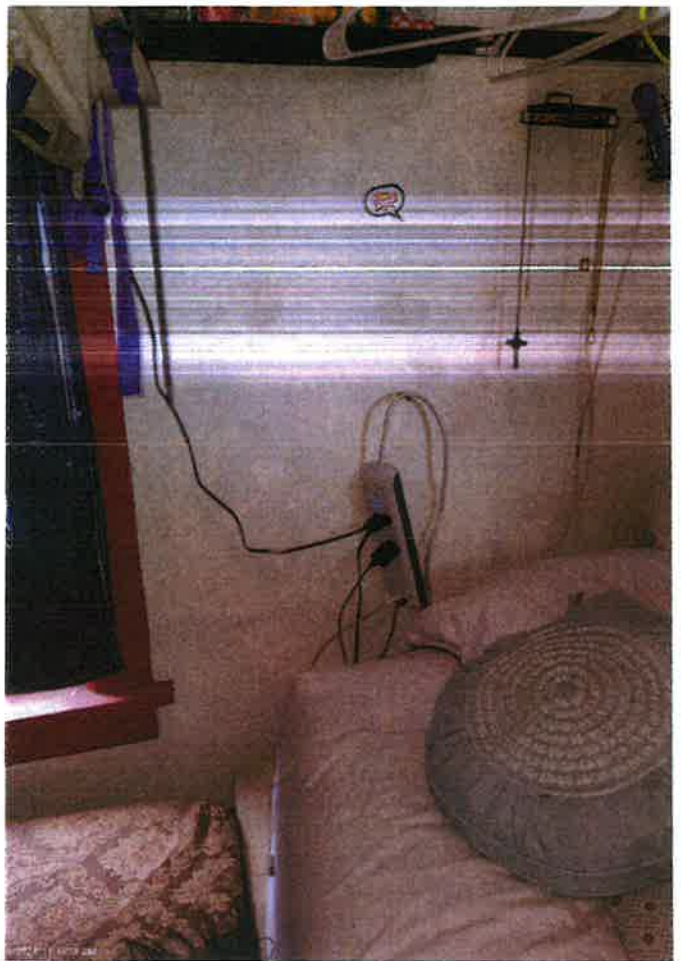
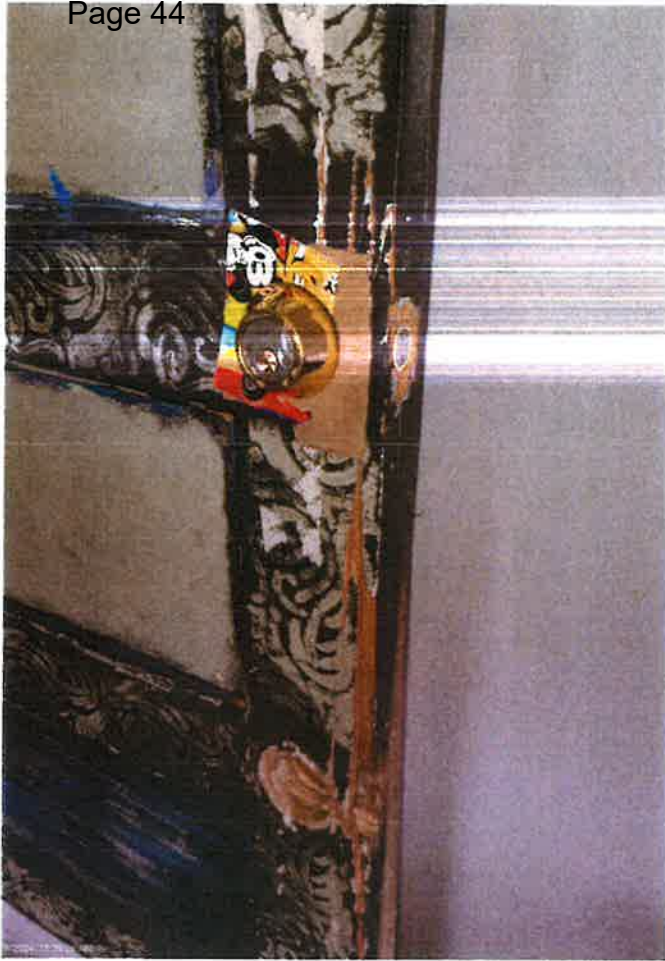




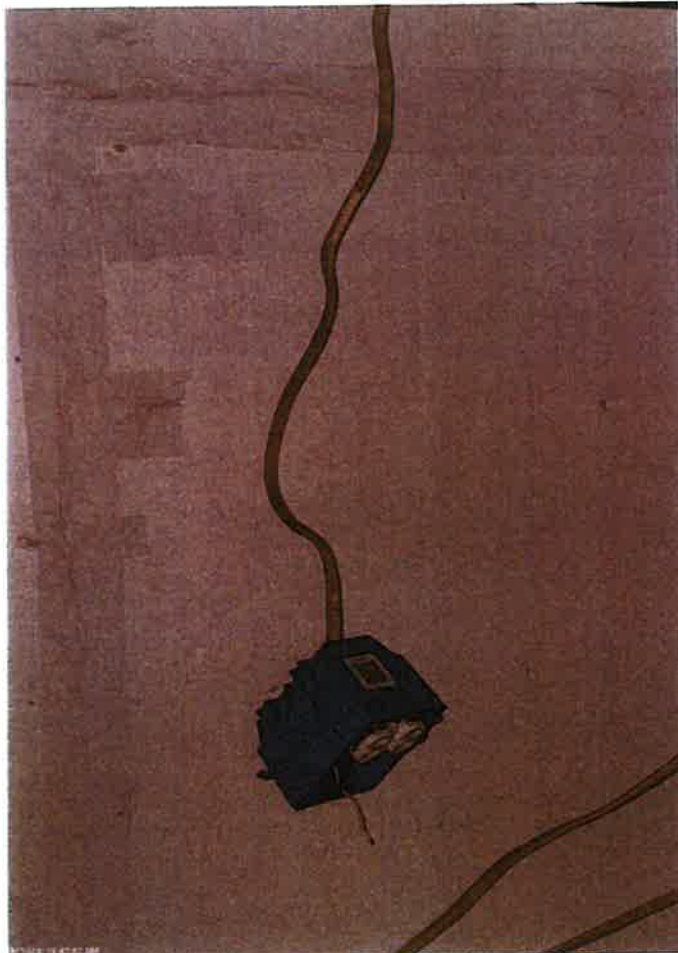




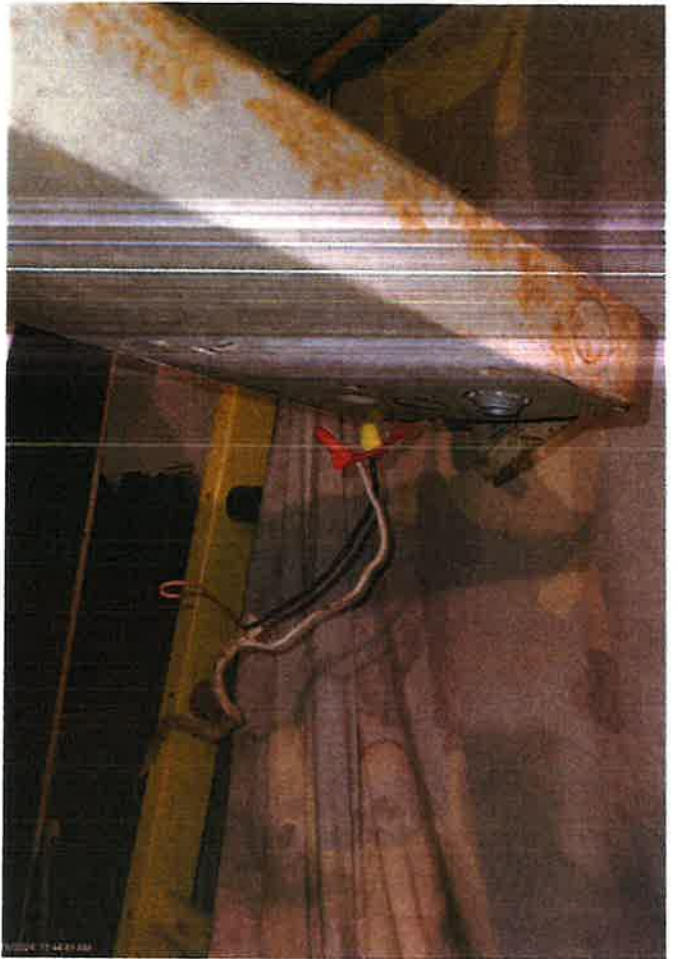
















City of Fargo  
225 4th St N  
Fargo ND 58102

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USPS CERTIFIED MAIL



9214 8901 9403 8358 5364 51

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NOAH AND SARAH GUNDERSON  
909 4TH ST N  
FARGO ND 58102-3748





Inspections Department  
225 4<sup>th</sup> Street North  
Fargo, ND 58102  
(701) 241-1561

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## NOTICE OF DANGEROUS BUILDING

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Date: 4/22/2024

Location: 909 4 St N

Property Owner: Noah T & Sarah M Gunderson

Address of Property Owner: 909 4TH ST N, Fargo, ND 58102

Inspector: Bill Thompson

Date of Inspection: 4/19/24

- The mortgage holder was also sent a copy of this notice:  
Wilmington Savings Fund Society  
3020 Old ranch parkway Suite 180  
Seal Beach, CA 90740

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.
2. That the building with which this Notice is concerned is commonly known as 909 4 St N, and is located on that tract of land in the City of Fargo, more particularly described as follows:  
**Hectors Addition, Block 15, Lot 4**  
(hereinafter referred to as "the building")
3. That an inspection was made of the building on 4/19/24 by Bill Thompson, Building Inspector.
4. That the building inspector for the City of Fargo has found the building, consisting of a 1916 two story, wood-framed house and garage structures to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and the International Property Maintenance Code, Section 111.1.5 concerning Dangerous Structures.
5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the

notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

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

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

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

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

10. **Order for vacation of building.** The undersigned building official has determined that the building or structure must be vacated as required by Section 111.8 of the International Property Maintenance Code, 2021 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 22<sup>nd</sup> day of April, 2024.

11. **Order to secure building.** The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance by 29th day of April, 2024. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. **Application for Appeal.** Section 107.1 of the International Property Maintenance Code states that any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 22<sup>nd</sup> day of April, 2024.



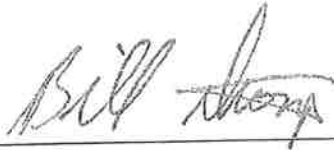
CONDITIONS FOUND STATEMENT

On April 19, 2024, Building Inspector Bill Thompson, was present at 909 4 St N, Fargo, ND 58102 to address a swat complaint/ warrant inspection. The following violations were found:

- Large amounts of garbage and junk in rear yard
- Garage roof has a noticeable sag/ rafters show signs of water damage
- Large amounts of unpermitted electrical in house and garage
- Entry doors of house and garage are kicked in
- Multiple broken windows
- Missing siding on house
- Deteriorated weather barrier on house and garage trim, soffit, and fascia
- Significant rot and deterioration of porch
- Inhabitable rooms in basement are being used for sleeping purposes
- Habitable bedrooms have deadbolts on the doors
- Smoke alarms have been removed
- Noticeable movement in the foundation/ exposed foam covering foundation walls
- Portions of the kitchen ceiling have been removed
- Drug paraphernalia
- 68 calls of service to date in 2024
- Water meter has been tampered with

The following action must be taken:

- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.



Bill Thompson  
Building Inspector



Shawn Ouradnik  
Building Official



Date Signed

# Shipment Confirmation Acceptance Notice



## A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 04/22/2024  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4® 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express®*      |        |
| Priority Mail®               |        |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

## B. USPS Action

- Note to RSS Clerk:
- Home screen > Mailing/Shipping > More
  - Select Shipment Confirm
  - Scan or enter the barcode/label number from PS Form 5630
  - Confirm the volume count message by selecting Yes or No
  - Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.  
 Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0052 1809 57





Name and Address of Sender

CITY OF FARGO  
225 4TH ST N  
FARGO ND 58102

**Affix Stamp Here**  
(for additional copies of this receipt).  
**Postmark with Date of Receipt.**

- Check type of mail or service
- Adult Signature Required
  - Adult Signature Restricted Delivery
  - Certified Mail
  - Certified Mail Restricted Delivery
  - Collect on Delivery (COD)
  - Insured Mail
  - Priority Mail
  - Priority Mail Express
  - Registered Mail
  - Return Receipt for Merchandise
  - Signature Confirmation
  - Signature Confirmation Restricted Delivery

Addressee (Name, Street, City, State, & ZIP Code <sup>TM</sup>)

NOAH AND SARAH GUNDERSON  
909 4TH ST N  
FARGO ND 58102-3748

USPS Tracking/Article Number

1. 9214 8901 9403 8358 5364 51

| Postage | (Extra Service) Fee | Handling Charge | Actual Value if Registered | Insured Value | Due Sender if COD | ASR Fee | ASRD Fee | RD Fee | RR Fee | SC Fee | SCRD Fee | SH Fee |
|---------|---------------------|-----------------|----------------------------|---------------|-------------------|---------|----------|--------|--------|--------|----------|--------|
| 0.64    | 4.40                |                 |                            |               |                   |         |          |        | 2.32   |        |          |        |
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Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender  
1

Total Number of Pieces Received at Post Office

Complete in Ink



# Confirmation Services Certification

## COMPANY INFORMATION

Company Name  
**City of Fargo**

Mailer Identification (MID\*) \*MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

Address (Number, street, suite no., city, state, and ZIP Code™)

**225 4th St N  
Fargo ND 58102**

## ELECTRONIC FILE

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for: Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

## BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

Authorized NCSC Signature

Date Signed

## INSTRUCTIONS FOR MAILER

Keep the original of this form in a safe place and provide a copy to your local USPS® facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000052180957

Confirmation Services Electronic File Number

|         |     |                   |               |               |
|---------|-----|-------------------|---------------|---------------|
| **92/93 | 750 | 901193562         | 00005218095   | 7             |
| AI      | STC | Mailer ID         | Serial Number | Check Digit   |
| 94      |     |                   |               |               |
| AI      | STC | Source Identifier | Mailer ID     | Serial Number |
|         |     |                   |               | Check Digit   |

\*\*91 can be used if approved for exception.

## INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

- Horizontal bars above and below the barcode.
- Human-readable numbers below the barcode.
- Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
- For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)



City of Fargo  
225 4th St N  
Fargo ND 58102

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USPS CERTIFIED MAIL



9214 8901 9403 8358 5358 81

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WILMINGTON SAVINGS FUND SOCIETY  
STE 180  
3020 OLD RANCH PKWY  
SEAL BEACH CA 90740-2799



Inspections Department  
225 4<sup>th</sup> Street North  
Fargo, ND 58102  
(701) 241-1561

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## NOTICE OF DANGEROUS BUILDING

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Date: 4/22/2024

Location: 909 4 St N

Property Owner: Noah T & Sarah M Gunderson

Address of Property Owner: 909 4TH ST N, Fargo, ND 58102

Inspector: Bill Thompson

Date of Inspection: 4/19/24

- The mortgage holder was also sent a copy of this notice:  
Wilmington Savings Fund Society  
3020 Old ranch parkway Suite 180  
Seal Beach, CA 90740

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.
2. That the building with which this Notice is concerned is commonly known as 909 4 St N, and is located on that tract of land in the City of Fargo, more particularly described as follows:  
**Hectors Addition, Block 15, Lot 4**  
(hereinafter referred to as "the building")
3. That an inspection was made of the building on 4/19/24 by Bill Thompson, Building Inspector.
4. That the building inspector for the City of Fargo has found the building, consisting of a 1916 two story, wood-framed house and garage structures to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and the International Property Maintenance Code, Section 111.1.5 concerning Dangerous Structures.
5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the



notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

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

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

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

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

10. **Order for vacation of building.** The undersigned building official has determined that the building or structure must be vacated as required by Section 111.8 of the International Property Maintenance Code, 2021 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 22<sup>nd</sup> day of April, 2024.

11. **Order to secure building.** The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance by 29<sup>th</sup> day of April, 2024. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. **Application for Appeal.** Section 107.1 of the International Property Maintenance Code states that any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 22<sup>nd</sup> day of April, 2024.

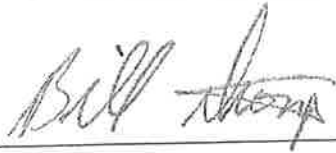
CONDITIONS FOUND STATEMENT

On April 19, 2024, Building Inspector Bill Thompson, was present at 909 4 St N, Fargo, ND 58102 to address a swat complaint/ warrant inspection. The following violations were found:

- Large amounts of garbage and junk in rear yard
- Garage roof has a noticeable sag/ rafters show signs of water damage
- Large amounts of unpermitted electrical in house and garage
- Entry doors of house and garage are kicked in
- Multiple broken windows
- Missing siding on house
- Deteriorated weather barrier on house and garage trim, soffit, and fascia
- Significant rot and deterioration of porch
- Inhabitable rooms in basement are being used for sleeping purposes
- Habitable bedrooms have deadbolts on the doors
- Smoke alarms have been removed
- Noticeable movement in the foundation/ exposed foam covering foundation walls
- Portions of the kitchen ceiling have been removed
- Drug paraphernalia
- 68 calls of service to date in 2024
- Water meter has been tampered with

The following action must be taken:

- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.



Bill Thompson  
Building Inspector



Shawn Ouradnik  
Building Official



Date Signed





# Shipment Confirmation Acceptance Notice

## A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 04/22/2024  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4® 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express®*      |        |
| Priority Mail®               |        |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

## B. USPS Action

- Note to RSS Clerk:
1. Home screen > Mailing/Shipping > More
  2. Select Shipment Confirm
  3. Scan or enter the barcode/label number from PS Form 5630
  4. Confirm the volume count message by selecting Yes or No
  5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.  
 Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0052 1808 58



# Firm Mailing Book For Accountable Mail

Name and Address of Sender  
 CITY OF FARGO  
 225 4TH ST N  
 FARGO ND 58102

Check type of mail or service

- Adult Signature Required
- Adult Signature Restricted Delivery
- Certified Mail
- Certified Mail Restricted Delivery
- Collect on Delivery (COD)
- Insured Mail
- Priority Mail
- Priority Mail Express
- Registered Mail
- Return Receipt for Merchandise
- Signature Confirmation
- Signature Confirmation Restricted Delivery

Affix Stamp Here  
 (for additional copies of this receipt).  
 Postmark with Date of Receipt.

| USPS Tracking/Article Number   | Addressee (Name, Street, City, State, & ZIP Code <sup>SM</sup> )                              | Postage | Extra Service Fee | Handling Charge | Actual Value if Registered | Insured Value | Due Sender if COD | ASR Fee | ASRD Fee | RD Fee | RR Fee | SC Fee | SCRD Fee | SH Fee |
|--------------------------------|---|---------|-------------------|-----------------|----------------------------|---------------|-------------------|---------|----------|--------|--------|--------|----------|--------|
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |
| 1. 9214 8901 9403 8358 5358 81 | WILMINGTON SAVINGS FUND SOCIETY<br>STE 180<br>3020 OLD RANCH PKWY<br>SEAL BEACH CA 90740-2799 | 0.64    | 4.40              |                 |                            |               |                   |         |          |        | 2.32   |        |          |        |
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |
|                                |   |         |                   |                 |                            |               |                   |         |          |        |        |        |          |        |

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1





# Confirmation Services Certification

## COMPANY INFORMATION

Company Name  
City of Fargo

Mailer Identification (MID\*) \*MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

Address (Number, street, suite no., city, state, and ZIP Code™)

225 4th St N  
Fargo ND 58102

## ELECTRONIC FILE

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide* for: *Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

## BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

Authorized NCSC Signature

Date Signed

## INSTRUCTIONS FOR MAILER

Keep the original of this form in a safe place and provide a copy to your local USPS® facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

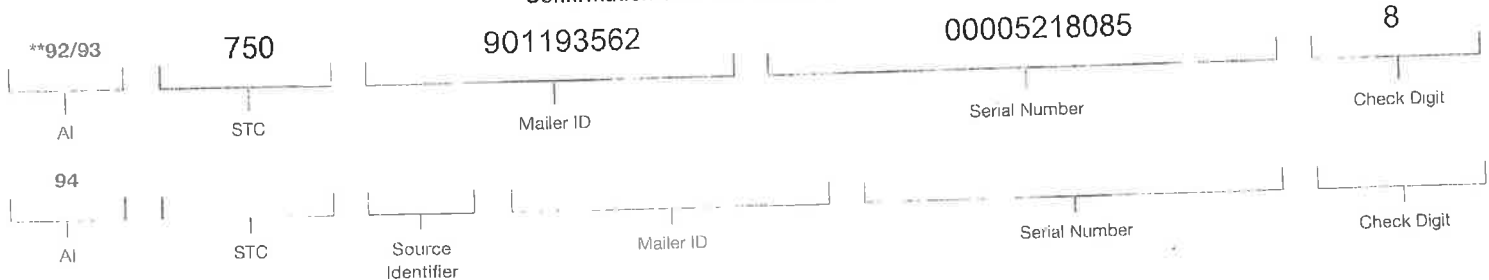
IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000052180858

Confirmation Services Electronic File Number



\*\*91 can be used if approved for exception.

## INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

- Horizontal bars above and below the barcode.
- Human-readable numbers below the barcode.
- Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
- For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)

PROOF OF ACCEPTANCE  
(ELECTRONIC)

PRODUCED DATE: 04/23/2024

CITY OF FARGO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8358 5358 81

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE FARGO,ND 58108 04/23/2024 00:57

ORIGINAL INTENDED RECIPIENT:

WILMINGTON SAVINGS FUND SOCIETY

3020 OLD RANCH PKWY STE 180

SEAL BEACH CA 90740-2799





Inspections Department  
225 4<sup>th</sup> Street North  
Fargo, ND 58102  
(701) 241-1561

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## NOTICE OF DANGEROUS BUILDING

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Date: 4/22/2024

Location: 909 4 St N

Property Owner: Noah T & Sarah M Gunderson

Address of Property Owner: 909 4TH ST N, Fargo, ND 58102

Inspector: Bill Thompson

Date of Inspection: 4/19/24

- The mortgage holder was also sent a copy of this notice:  
Wilmington Savings Fund Society  
3020 Old ranch parkway Suite 180  
Seal Beach, CA 90740

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.
2. That the building with which this Notice is concerned is commonly known as 909 4 St N, and is located on that tract of land in the City of Fargo, more particularly described as follows:  
**Hectors Addition, Block 15, Lot 4**  
(hereinafter referred to as "the building")
3. That an inspection was made of the building on 4/19/24 by Bill Thompson, Building Inspector.
4. That the building inspector for the City of Fargo has found the building, consisting of a 1916 two story, wood-framed house and garage structures to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and the International Property Maintenance Code, Section 111.1.5 concerning Dangerous Structures.
5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the

notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

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

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

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

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

10. **Order for vacation of building.** The undersigned building official has determined that the building or structure must be vacated as required by Section 111.8 of the International Property Maintenance Code, 2021 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 22<sup>nd</sup> day of April, 2024.

11. **Order to secure building.** The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance by 29th day of April, 2024. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. **Application for Appeal.** Section 107.1 of the International Property Maintenance Code states that any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 22nd day of April, 2024.



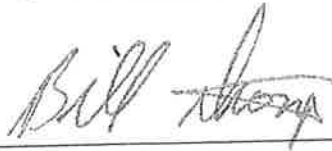
CONDITIONS FOUND STATEMENT

On April 19, 2024, Building Inspector Bill Thompson, was present at 909 4 St N, Fargo, ND 58102 to address a swat complaint/ warrant inspection. The following violations were found:

- Large amounts of garbage and junk in rear yard
- Garage roof has a noticeable sag/ rafters show signs of water damage
- Large amounts of unpermitted electrical in house and garage
- Entry doors of house and garage are kicked in
- Multiple broken windows
- Missing siding on house
- Deteriorated weather barrier on house and garage trim, soffit, and fascia
- Significant rot and deterioration of porch
- Inhabitable rooms in basement are being used for sleeping purposes
- Habitable bedrooms have deadbolts on the doors
- Smoke alarms have been removed
- Noticeable movement in the foundation/ exposed foam covering foundation walls
- Portions of the kitchen ceiling have been removed
- Drug paraphernalia
- 68 calls of service to date in 2024
- Water meter has been tampered with

The following action must be taken:

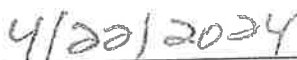
- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.



Bill Thompson  
Building Inspector



Shawn Ouradnik  
Building Official



Date Signed

**AFFIDAVIT OF SERVICE**

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

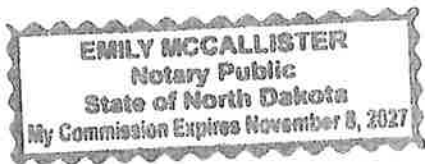
**Re: Posting of Dangerous Building  
909 4 St N**


Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 22<sup>nd</sup> day of April 2024, he posted the attached notice upon the front of the building located at the following address:

909 4 St N  
Fargo, ND 58102

  
\_\_\_\_\_  
Bill Thompson

Subscribed and sworn to before me this 22<sup>nd</sup> day of April 2024.



  
\_\_\_\_\_  
Notary Public  
Cass County, North Dakota

(SEAL)



AFFIDAVIT OF SERVICE BY REGULAR MAIL

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

Re: Notice of Dangerous Building

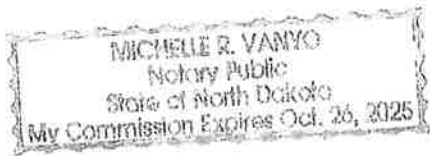
Michelle Lemar, being first duly sworn and being of legal age, deposes and says that on the 22nd day of April 2024, she served the attached notice, upon 909 4 St N, by placing true and correct copies thereof in envelopes addressed as follows:

Noah and Sarah Gunderson
909 4 St N
Fargo, ND 58102-3748

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

[Handwritten signature of Michelle Lemar]
Michelle Lemar

Subscribed and sworn to before me this 22 day of April 2024.



[Handwritten signature of Michelle R. Vanyo]
Notary Public
Cass County, North Dakota

(SEAL)









# Shipment Confirmation Acceptance Notice



## A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 04/22/2024  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4® 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express®*      |        |
| Priority Mail®               |        |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

## B. USPS Action

- Note to RSS Clerk:
1. Home screen > Mailing/Shipping > More
  2. Select Shipment Confirm
  3. Scan or enter the barcode/label number from PS Form 5630
  4. Confirm the volume count message by selecting Yes or No
  5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.  
 Leave form with customer or in customer's mail receptacle.

**USPS SCAN AT ACCEPTANCE**



9275 0901 1935 6200 0052 1809 57





# Confirmation Services Certification

## COMPANY INFORMATION

Company Name  
**City of Fargo**

Mailer Identification (MID) \*MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

Address (Number, street, suite no., city, state, and ZIP Code™)  
**225 4th St N**  
**Fargo ND 58102**

## ELECTRONIC FILE

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for: Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

## BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

Authorized NCSC Signature

Date Signed

## INSTRUCTIONS FOR MAILER

Keep the original of this form in a safe place and provide a copy to your local USPS® facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

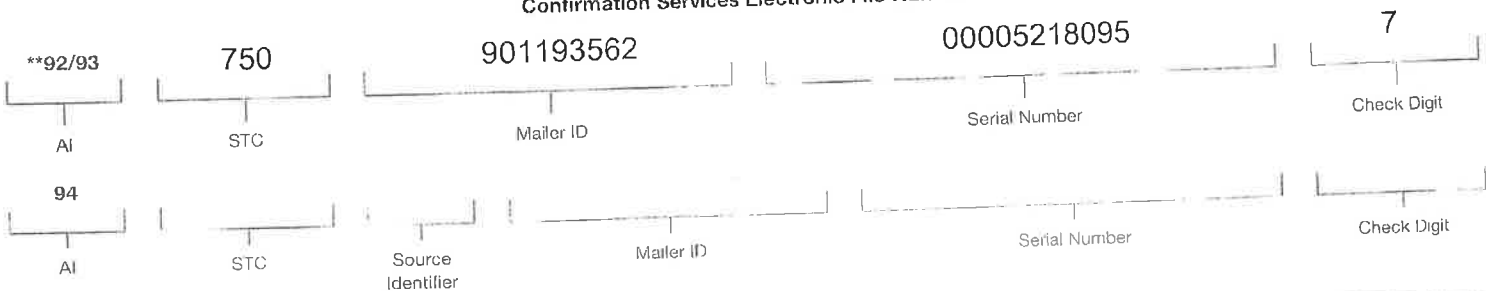
IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000052180957

### Confirmation Services Electronic File Number



\*\*91 can be used if approved for exception.

## INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

- Horizontal bars above and below the barcode.
- Human-readable numbers below the barcode.
- Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
- For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)



# Shipment Confirmation Acceptance Notice

## A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 04/22/2024  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4® 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express®*      |        |
| Priority Mail®               |        |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

## B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.  
 Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0052 1808 58





| SCRD<br>Fee | SH<br>Fee |  |  |  |  |  |  |  |  |
|-------------|-----------|--|--|--|--|--|--|--|--|
|             |           |  |  |  |  |  |  |  |  |

**COMPANY INFORMATION**

Company Name  
**City of Fargo**

Mailer Identification (MID)\* \*MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

Address (Number, street, suite no., city, state, and ZIP Code™)

**225 4th St N  
 Fargo ND 58102**

**ELECTRONIC FILE**

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for: Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

**BARCODED LABELS**

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Authorized NCSC Signature

Date Signed

**INSTRUCTIONS FOR MAILER**

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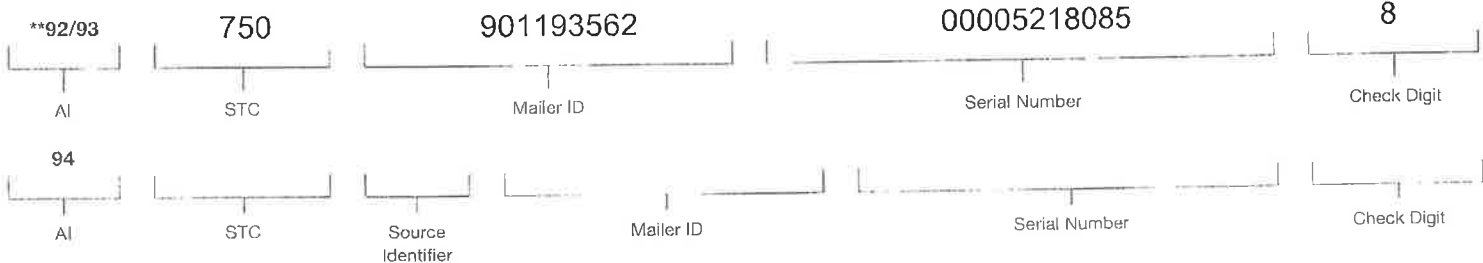
IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000052180858

**Confirmation Services Electronic File Number**



\*\*91 can be used if approved for exception.

**INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE**

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

1. Horizontal bars above and below the barcode.
2. Human-readable numbers below the barcode.
3. Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
4. For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)

PROOF OF ACCEPTANCE  
(ELECTRONIC)

PRODUCED DATE: 04/24/2024

CITY OF FARGO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8358 5364 51

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE FARGO,ND 58108 04/23/2024 20:24

ORIGINAL INTENDED RECIPIENT:

NOAH AND SARAH GUNDERSON

909 4TH ST N

FARGO ND 58102-3748



Mailer: City of Fargo

Date Produced: 04/26/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8358 5358 81. Our records indicate that this item was delivered on 04/25/2024 at 10:53 a.m. in SEAL BEACH, CA 90740. The scanned image of the recipient information is provided below.

Signature of Recipient :

T. T. T. T. T.  
M. T. T. T. T.

Address of Recipient :

3020 OLD RANCH  
SEAL BEACH

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

Sincerely,  
United States Postal Service

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

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

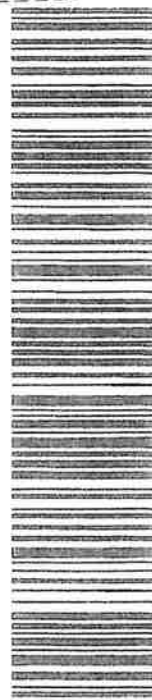
WILMINGTON SAVINGS FUND SOCIETY  
STE 180  
3020 OLD RANCH PKWY  
SEAL BEACH CA 90740-2799

Customer Reference Number: C4969593.29904103

of Fargo  
25 4th St N  
argo ND 58102

**CERTIFIED MAIL**

USPS CERTIFIED MAIL



9214 8901 9403 8358 5364 51

NOAH AND SARAH GUNDERSON  
909 4TH ST N  
FARGO ND 58102-3748

*Handwritten initials/signature*

NOAH AND SARAH GUNDERSON  
909 4TH ST N  
FARGO ND 58102-3748  
NOAH AND SARAH GUNDERSON  
909 4TH ST N  
FARGO ND 58102-3748

City of Fargo  
225 4th St N  
Fargo ND 58102

---

USPS CERTIFIED MAIL



9214 8901 9403 8358 5364 51

---

NOAH AND SARAH GUNDERSON  
909 4TH ST N  
FARGO ND 58102-3748





Inspections Department  
225 4<sup>th</sup> Street North  
Fargo, ND 58102  
(701) 241-1561

---

---

## NOTICE OF DANGEROUS BUILDING

---

---

Date: 4/22/2024

Location: 909 4 St N

Property Owner: Noah T & Sarah M Gunderson

Address of Property Owner: 909 4TH ST N, Fargo, ND 58102

Inspector: Bill Thompson

Date of Inspection: 4/19/24

- The mortgage holder was also sent a copy of this notice:  
Wilmington Savings Fund Society  
3020 Old ranch parkway Suite 180  
Seal Beach, CA 90740

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.
2. That the building with which this Notice is concerned is commonly known as 909 4 St N, and is located on that tract of land in the City of Fargo, more particularly described as follows:  
**Hectors Addition, Block 15, Lot 4**  
(hereinafter referred to as "the building")
3. That an inspection was made of the building on 4/19/24 by Bill Thompson, Building Inspector.
4. That the building inspector for the City of Fargo has found the building, consisting of a 1916 two story, wood-framed house and garage structures to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and the International Property Maintenance Code, Section 111.1.5 concerning Dangerous Structures.
5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the

notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

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

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

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

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

10. **Order for vacation of building.** The undersigned building official has determined that the building or structure must be vacated as required by Section 111.8 of the International Property Maintenance Code, 2021 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 22<sup>nd</sup> day of April, 2024.

11. **Order to secure building.** The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance by 29th day of April, 2024. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. **Application for Appeal.** Section 107.1 of the International Property Maintenance Code states that any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 22<sup>nd</sup> day of April, 2024.

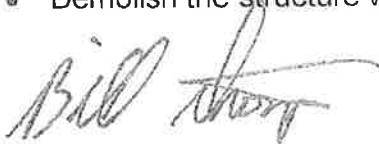
CONDITIONS FOUND STATEMENT

On April 19, 2024, Building Inspector Bill Thompson, was present at 909 4 St N, Fargo, ND 58102 to address a swat complaint/ warrant inspection. The following violations were found:

- Large amounts of garbage and junk in rear yard
- Garage roof has a noticeable sag/ rafters show signs of water damage
- Large amounts of unpermitted electrical in house and garage
- Entry doors of house and garage are kicked in
- Multiple broken windows
- Missing siding on house
- Deteriorated weather barrier on house and garage trim, soffit, and fascia
- Significant rot and deterioration of porch
- Inhabitable rooms in basement are being used for sleeping purposes
- Habitable bedrooms have deadbolts on the doors
- Smoke alarms have been removed
- Noticeable movement in the foundation/ exposed foam covering foundation walls
- Portions of the kitchen ceiling have been removed
- Drug paraphernalia
- 68 calls of service to date in 2024
- Water meter has been tampered with

The following action must be taken:

- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.



Bill Thompson  
Building Inspector



Shawn Ouradnik  
Building Official

4/22/2024

Date Signed







Mailer: City of Fargo

Date Produced: 05/23/2024

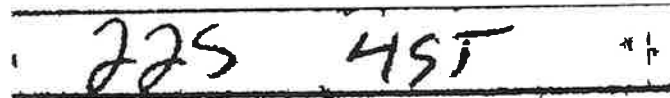
ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8358 5364 51. Our records indicate that this item was delivered on 05/22/2024 at 09:55 a.m. in FARGO, ND 58102. The scanned image of the recipient information is provided below.

Signature of Recipient :

  
\_\_\_\_\_  
  
\_\_\_\_\_

Address of Recipient :

\_\_\_\_\_  
  
\_\_\_\_\_

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

Sincerely,  
United States Postal Service

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

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

NOAH AND SARAH GUNDERSON  
909 4TH ST N  
FARGO ND 58102-3748

Customer Reference Number: C4969603.29904129

*thank you*

# INVOICE

## Curt's Lock and Key Service

1102 Main Ave  
Fargo ND 58103-1755  
(701) 232-9440

Invoice Number 300741

Invoice Date 05/08/24

Page 1

SOLD FARGO AUDITOR  
TO 225 4TH ST N  
FARGO ND 58102

|             |                    |                    |        |
|-------------|--------------------|--------------------|--------|
| P.O. Number | INSPECTION DEPT    | Customer Code      | F114   |
| Note        | BILL THOMPSON      | Terms Code         | Net 30 |
|             | 701-730-8768       | Salesperson Descr. | MATT C |
|             | 909 4TH ST N FARGO |                    |        |

| ITEM | ORDERED | SHIPPED | DESCRIPTION  | PRICE   | UOM | AMOUNT | TAX |
|------|---------|---------|--|---------|-----|--------|-----|
| FRSC | 1.0     | 1.0     | SERVICE CALL<br>FRONT DOORS DEADBOLTS CYLINDER WAS<br>GLUED. DRILLED OFF DEADBOLT. CUT OFF<br>PADLOCK IN BASEMENT BEDROOM. | 75.0000 | Ea  | 75.00  |     |
| FRGL | 1.0     | 1.0     | GENERAL LABOR  | 30.0000 | Ea  | 30.00  |     |

|               |        |
|---------------|--------|
| Subtotal      | 105.00 |
| *Sales Tax    | 0.00   |
| Invoice Total | 105.00 |
| Payments      | 0.00   |
| Net Due       | 105.00 |

X \_\_\_\_\_

City of Fargo  
225 4th St N  
Fargo ND 58102

---

USPS CERTIFIED MAIL



9214 8901 9403 8365 1917 66

---

NOAH T & SARAH M GUNDERSON  
909 4TH ST N  
FARGO ND 58102-3748





# INSPECTIONS

INSPECTIONS DEPARTMENT  
Fargo City Hall  
225 Fourth Street North  
Fargo, ND 58102  
Phone: 701.241.1561 | Fax: 701.476.6779  
FargoND.gov

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## Notice of Dangerous Building Hearing – Order to Show Cause

---

Date: June 11, 2024

Location: 909 4TH ST N, Fargo, ND 58102  
Property Owner: Noah T & Sarah M Gunderson  
Address of Property Owner: 909 4TH ST N, Fargo, ND 58102

Inspector: Bill Thompson  
Date of Posting: 4/22/2024

Ordinance 21-0405 of the Fargo Municipal Code states:

The board of city commissioners shall:

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

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

A hearing regarding the dangerous building located at Address, Fargo, ND has been scheduled for, Monday, June 24, 2024 at 5:15 PM. The hearing will take place in the City Commission Chambers, located at 225 4th Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend.

Dated on this June, 11 2024.

---

Shawn Ouradnik  
Inspections Director



## Shipment Confirmation Acceptance Notice

### A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 06/11/2024  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4® 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express®       |        |
| Priority Mail®               |        |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

### B. USPS Action

- Note to RSS Clerk:**
1. Home screen > Mailing/Shipping > More
  2. Select **Shipment Confirm**
  3. Scan or enter the barcode/label number from PS Form 5630
  4. Confirm the volume count message by selecting Yes or No
  5. Select Pay and End Visit to complete transaction

**USPS EMPLOYEE:** Please scan upon pickup or receipt of mail.  
 Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0053 3239 02







# Confirmation Services Certification

## COMPANY INFORMATION

Company Name  
City of Fargo

Address (Number, street, suite no., city, state, and ZIP Code<sup>TM</sup>)

225 4th St N  
Fargo ND 58102

Mailer Identification (MID)\* \*MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

## ELECTRONIC FILE

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for: Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

## BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

Authorized NCSC Signature

Date Signed

## INSTRUCTIONS FOR MAILER

Keep the original of this form in a safe place and provide a copy to your local USPS® facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000053323902

Confirmation Services Electronic File Number

|         |     |                   |               |               |             |
|---------|-----|-------------------|---------------|---------------|-------------|
| **92/93 | 750 | 901193562         | 00005332390   | 2             |             |
| AI      | STC | Mailer ID         | Serial Number | Check Digit   |             |
| 94      |     |                   |               |               |             |
| AI      | STC | Source Identifier | Mailer ID     | Serial Number | Check Digit |

\*\*91 can be used if approved for exception.

## INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

- Horizontal bars above and below the barcode.
- Human-readable numbers below the barcode.
- Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
- For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)

City of Fargo  
225 4th St N  
Fargo ND 58102

---

USPS CERTIFIED MAIL



9214 8901 9403 8300 0065 2099 42

---

WILMINGTON SAVINGS FUND SOCIETY  
STE 180  
320 OLD RANCH RD  
SEAL BEACH CA 90740



# INSPECTIONS

INSPECTIONS DEPARTMENT

Fargo City Hall

225 Fourth Street North

Fargo, ND 58102

Phone: 701.241.1561 | Fax: 701.476.6779

FargoND.gov

## Notice of Dangerous Building Hearing – Order to Show Cause

**Date:** June 11, 2024

**Location:** 909 4TH ST N, Fargo, ND 58102  
**Property Owner:** Noah T & Sarah M Gunderson  
**Address of Property Owner:** 909 4TH ST N, Fargo, ND 58102

**Inspector:** Bill Thompson  
**Date of Posting:** 4/22/2024

Ordinance 21-0405 of the Fargo Municipal Code states:

The board of city commissioners shall:

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

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

A hearing regarding the dangerous building located at Address, Fargo, ND has been scheduled for, Monday, June 24, 2024 at 5:15 PM. The hearing will take place in the City Commission Chambers, located at 225 4th Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend.

Dated on this June, 11 2024.

\_\_\_\_\_  
 Shawn Ouradnik  
 Inspections Director





## Shipment Confirmation Acceptance Notice

### A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 06/11/2024  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4® 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express®*      |        |
| Priority Mail®               |        |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

### B. USPS Action

- Note to RSS Clerk:**
1. Home screen > Mailing/Shipping > More
  2. Select **Shipment Confirm**
  3. Scan or enter the barcode/label number from PS Form 5630
  4. Confirm the volume count message by selecting Yes or No
  5. Select **Pay and End Visit** to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.  
 Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0053 3244 66

Firm Mailing Book For Accountable Mail



Name and Address of Sender

CITY OF FARGO  
225 4TH ST N  
FARGO ND 58102

Check type of mail or service

- Adult Signature Required
- Adult Signature Restricted Delivery
- Certified Mail
- Certified Mail Restricted Delivery
- Collect on Delivery (COD)
- Insured Mail
- Priority Mail
- Priority Mail Express
- Registered Mail
- Return Receipt for Merchandise
- Signature Confirmation
- Signature Confirmation Restricted Delivery

Affix Stamp Here  
(for additional copies of this receipt).  
Postmark with Date of Receipt.

| USPS Tracking/Article Number        | Postage | (Extra Service) Fee | Handling Charge | Actual Value if Registered | Insured Value | Due Sender if COD | ASR Fee | ASRD Fee | RD Fee | RR Fee | SC Fee | SCRD Fee | SH Fee |
|-------------------------------------|---------|---------------------|-----------------|----------------------------|---------------|-------------------|---------|----------|--------|--------|--------|----------|--------|
| 1. 9214 8901 9403 8300 0065 2099 42 | 0.64    | 4.40                |                 |                            |               |                   |         |          |        | 2.32   |        |          |        |
| WILMINGTON SAVINGS FUND SOCIETY     |         |                     |                 |                            |               |                   |         |          |        |        |        |          |        |
| STE 180                             |         |                     |                 |                            |               |                   |         |          |        |        |        |          |        |
| 320 OLD RANCH RD                    |         |                     |                 |                            |               |                   |         |          |        |        |        |          |        |
| SEAL BEACH CA 90740                 |         |                     |                 |                            |               |                   |         |          |        |        |        |          |        |

Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Complete in Ink

Privacy Notice: For more information on USPS privacy policies, visit [usps.com/privacypolicy](http://usps.com/privacypolicy).



# Confirmation Services Certification

## COMPANY INFORMATION

|   |   |
|---|---|
| Company Name<br><b>City of Fargo</b>  | Address (Number, street, suite no., city, state, and ZIP Code™)<br><b>225 4th St N<br/>Fargo ND 58102</b> |
| <small>Mailer Identification (MID)* *MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.</small> |   |

## ELECTRONIC FILE

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|                           |             |
|---------------------------|-------------|
| Authorized NCSC Signature | Date Signed |
|---------------------------|-------------|

## BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

|                           |             |
|---------------------------|-------------|
| Authorized NCSC Signature | Date Signed |
|---------------------------|-------------|

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IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000053324466

Confirmation Services Electronic File Number

|         |     |                   |               |             |
|---------|-----|-------------------|---------------|-------------|
| **92/93 | 750 | 901193562         | 00005332446   | 6           |
| AI      | STC | Mailer ID         | Serial Number | Check Digit |
| 94      |     |                   |               |             |
| AI      | STC | Source Identifier | Serial Number | Check Digit |

\*\*91 can be used if approved for exception.

## INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

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- Horizontal bars above and below the barcode.
- Human-readable numbers below the barcode.
- Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
- For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS TRACKING", and "USPS TRACKING e-VS."

|                               |   |
|-------------------------------|---|
| Date and Time of Verification | Date and Time of Mailing (if different from date of verification) |
|-------------------------------|---|





INSPECTIONS DEPARTMENT  
Fargo City Hall  
225 Fourth Street North  
Fargo, ND 58102  
Phone: 701.241.1561 | Fax: 701.476.6779  
FargoND.gov

---

## Notice of Dangerous Building Hearing – Order to Show Cause

---

Date: June 11, 2024

Location: 909 4TH ST N, Fargo, ND 58102  
Property Owner: Noah T & Sarah M Gunderson  
Address of Property Owner: 909 4TH ST N, Fargo, ND 58102

Inspector: Bill Thompson  
Date of Posting: 4/22/2024

Ordinance 21-0405 of the Fargo Municipal Code states:

The board of city commissioners shall:


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

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

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Any interested person or party is encouraged to attend.

Dated on this June, 11 2024.

  
\_\_\_\_\_  
Shawn Ouradnik  
Inspections Director















## Shipment Confirmation Acceptance Notice

### A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 06/11/2024  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4® 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express™       |        |
| Priority Mail®               |        |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

### B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.  
 Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0053 3244 66



Firm Mailing Book For Accountable Mail



Name and Address of Sender

CITY OF FARGO  
225 4TH ST N  
FARGO ND 58102

Check type of mail or service

- Adult Signature Required
- Priority Mail Express
- Adult Signature Restricted Delivery
- Registered Mail
- Certified Mail
- Return Receipt for Merchandise
- Certified Mail Restricted Delivery
- Signature Confirmation
- Collect on Delivery (COD)
- Signature Confirmation Restricted Delivery
- Insured Mail
- Priority Mail

Affix Stamp Here  
(for additional copies of this receipt).  
Postmark with Date of Receipt.

| USPS Tracking/Article Number   | Postage | (Extra Service) Fee | Handling Charge | Actual Value if Registered | Insured Value | Due Sender if COD | ASR Fee | ASRD Fee | RD Fee | RR Fee | SC Fee | SCRD Fee | SH Fee |
|--|---------|---------------------|-----------------|----------------------------|---------------|-------------------|---------|----------|--------|--------|--------|----------|--------|
| 1. 9214 8901 9403 8300 0065 2098 42  | 0.64    | 4.40                |                 |                            |               |                   |         |          |        | 2.32   |        |          |        |
| WILMINGTON SAVINGS FUND SOCIETY<br>SITE 180<br>320 OLD RANCH RD<br>SEAL BEACH CA 90740 |         |                     |                 |                            |               |                   |         |          |        |        |        |          |        |

Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender: 1

Complete in Ink

Privacy Notice: For more information on USPS privacy policies, visit [usps.com/privacypolicy](http://usps.com/privacypolicy).



# Confirmation Services Certification

## COMPANY INFORMATION

Company Name  
City of Fargo

Address (Number, street, suite no., city, state, and ZIP Code™)

225 4th St N  
Fargo ND 58102

Mailer Identification (MID)\* \*MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

## ELECTRONIC FILE

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

## BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

Authorized NCSC Signature

Date Signed

## INSTRUCTIONS FOR MAILER

Keep the original of this form in a safe place and provide a copy to your local USPS® facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000053324466

Confirmation Services Electronic File Number

|         |     |                   |               |               |             |
|---------|-----|-------------------|---------------|---------------|-------------|
| **92/93 | 750 | 901193562         | 00005332446   | 6             |             |
| AI      | STC | Mailer ID         | Serial Number | Check Digit   |             |
| 94      |     |                   |               |               |             |
| AI      | STC | Source Identifier | Mailer ID     | Serial Number | Check Digit |

\*\*91 can be used if approved for exception.

## INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

- Horizontal bars above and below the barcode.
- Human-readable numbers below the barcode.
- Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
- For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)



## Shipment Confirmation Acceptance Notice

### A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 06/11/2024  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4®: 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express®       |        |
| Priority Mail®               |        |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

### B. USPS Action

**Note to RSS Clerk:**

1. Home screen > Mailing/Shipping > More
2. Select **Shipment Confirm**
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

**USPS EMPLOYEE:** Please scan upon pickup or receipt of mail.  
 Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0053 3239 02







# Confirmation Services Certification

## COMPANY INFORMATION

Company Name

City of Fargo

Mailer Identification (MID)<sup>1</sup> MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

Address (Number, street, suite no., city, state, and ZIP Code<sup>TM</sup>)

225 4th St N  
Fargo ND 58102

## ELECTRONIC FILE

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

## BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

Authorized NCSC Signature

Date Signed

## INSTRUCTIONS FOR MAILER

Keep the original of this form in a safe place and provide a copy to your local USPS<sup>®</sup> facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000053323902

Confirmation Services Electronic File Number

|         |     |                   |               |               |             |
|---------|-----|-------------------|---------------|---------------|-------------|
| **92/93 | 750 | 901193562         | 00005332390   | 2             |             |
| AI      | STC | Mailer ID         | Serial Number | Check Digit   |             |
| 94      |     |                   |               |               |             |
| AI      | STC | Source Identifier | Mailer ID     | Serial Number | Check Digit |

\*\*91 can be used if approved for exception.

## INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

1. Horizontal bars above and below the barcode.
2. Human-readable numbers below the barcode.
3. Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
4. For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)

PROOF OF ACCEPTANCE  
(ELECTRONIC)

PRODUCED DATE: 06/12/2024

CITY OF FARGO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8300 0065 2099 42

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE FARGO,ND 58108 06/11/2024 22:52

ORIGINAL INTENDED RECIPIENT:

WILMINGTON SAVINGS FUND SOCIETY

320 OLD RANCH RD STE 180

SEAL BEACH CA 90740

PROOF OF ACCEPTANCE  
(ELECTRONIC)

PRODUCED DATE: 06/12/2024

CITY OF FARGO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8365 1917 66

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE FARGO,ND 58108 06/12/2024 16:01

ORIGINAL INTENDED RECIPIENT:

NOAH T & SARAH M GUNDERSON

909 4TH ST N

FARGO ND 58102-3748

**Shawn Ouradnik**

---

**From:** Noah Gunderson <noahgunderson13@gmail.com>  
**Sent:** Thursday, June 13, 2024 10:03 AM  
**To:** Shawn Ouradnik  
**Subject:** Re: 909 4th St N Notice of Dangerous Building Hearing - Order to Show Cause  
**Attachments:** image001.png

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

I've sold that house to home partners

On Thu, Jun 13, 2024, 8:32 AM Shawn Ouradnik <[SOuradnik@fargond.gov](mailto:SOuradnik@fargond.gov)> wrote:

Noah,

Here is the documentation with the public hearing information. This has been mailed to the address that is on file with Cass County both first class mail and certified mail.

**Shawn Ouradnik**

*Inspections Director*

*City of Fargo, Inspections Division*

**D 701.476.4147**

**F 701.476.6779**

[SOuradnik@FargoND.gov](mailto:SOuradnik@FargoND.gov)

**City of Fargo**

**225 4th Street North**

**Fargo, ND 58102**



On Wed, May 8, 2024, 11:56 AM Shawn Ouradnik <[SOuradnik@fargond.gov](mailto:SOuradnik@fargond.gov)> wrote:

Mr. Gunderson,

I am sending you this information again. This has been sent in the mail, certified mail, and posted on the property at 909 4 ST N Fargo ND. We have tried multiple ways to contact you and, because we have not had any contact with you, we will be securing the structure as required by the documents. Please contact our office with questions, concerns, and to update us on any actions you plan on with the structure.

Thank you,

**Shawn Ouradnik**

*Inspections Director*

*City of Fargo, Inspections Division*

**D 701.476.4147**

**F 701.476.6779**

[SOuradnik@FargoND.gov](mailto:SOuradnik@FargoND.gov)

**City of Fargo**

**225 4th Street North**

**Fargo, ND 58102**



**Shawn Ouradnik**

---

**From:** Shawn Ouradnik  
**Sent:** Wednesday, May 8, 2024 11:56 AM  
**To:** 'noahgunderson13@gmail.com'  
**Subject:** 909 4 ST N  
**Attachments:** Notice of Dangerous Building with Affidavits - 909 4 St N - Gunderson and Wilmington Savings Fund Society - 4.pdf

Mr. Gunderson,

I am sending you this information again. This has been sent in the mail, certified mail, and posted on the property at 909 4 ST N Fargo ND. We have tried multiple ways to contact you and, because we have not had any contact with you, we will be securing the structure as required by the documents. Please contact our office with questions, concerns, and to update us on any actions you plan on with the structure.

Thank you,

**Shawn Ouradnik**  
*Inspections Director*  
*City of Fargo, Inspections Division*  
D 701.476.4147  
F 701.476.6779  
SOuradnik@FargoND.gov

**City of Fargo**  
225 4th Street North  
Fargo, ND 58102



**Shawn Ouradnik**

---

**From:** Shawn Ouradnik  
**Sent:** Wednesday, May 8, 2024 4:00 PM  
**To:** 'Tyler Wirick'  
**Cc:** Alissa Farol; Nancy Morris; Christine Rose; Bill Thompson; Bryant Doschadis  
**Subject:** RE: 909 4th St. N., Fargo, ND; HWMND21219

Tyler,

You are correct the letter send does give a 30 day window for the structures to be demolished or permits taken out for repair. After that 30 days expires we must ask the city commission for a public hearing to be held about the property and they will determine if it is a dangerous building and order it to be demolished or permits to be taken out for repair. That determination will carry a 60 day time limit for those actions as ordered by commission. So the process looks like this:

May 22 2024 - dangerous building notice from the inspections department expires

May 28 2024 - memo sent to city commission asking for a public hearing at the June 10 2024 commission meeting

June 10 2024 – Public hearing held at city commission meeting. If they declare it a dangerous building the owner is given additional 60 days given for demo or rehab

August 9 2024 – Deadline for demo or rehab. At this point if there are no open permits to cure the deficiencies the inspections department will issue an RFP for contractors to demo the structures.

So realistically you will have around 90 days from today to either demo the structure or have permits in place with work already commencing. If there are extenuating circumstances that would necessitate an extension, you would request that extension prior to the August deadline through the inspections department and give us the explanation with any supporting documentation on why we should grant the extension. We would then need to take that to the city commission for approval before the August deadline. If we do not get the extension request in time to place it onto the commissions agenda before the deadline we would not recommend the approval of the extension.

Please let me know if you have any additional questions, concerns, or need clarification.

Thank you,

**Shawn Ouradnik**  
*Inspections Director*  
*City of Fargo, Inspections Division*  
D 701.476.4147  
F 701.476.6779  
SOuradnik@FargoND.gov

City of Fargo  
225 4th Street North  
Fargo, ND 58102



**From:** Tyler Wirick <TylerW@hwmlawfirm.com>  
**Sent:** Wednesday, May 8, 2024 3:19 PM  
**To:** Shawn Ouradnik <SOuradnik@FargoND.gov>  
**Subject:** 909 4th St. N., Fargo, ND; HWMND21219

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

Good Afternoon, Shawn,

Thank you for returning my call. As I mentioned on the phone, I represent Wilmington Savings Fund Society, FSB, the lender. My contact information is below.

I have a couple questions for you regarding the timing of events, and more specifically, my client's timeline to either repair or demo. While my client does have a judgment, they have not yet taken the property to sale, so they don't own the property. If my client is able to get a waiver of the redemption period, my client is likely 60 days out from taking possession of the property. The Notice of Dangerous Building indicates that the owner of the building "must demolish the building withing 30 days of the date of this notice of obtain a permit to repair," and requires demolition or repair "within the time period set forth herein..." (Notice of Dangerous Building, at ¶¶ 6, 9) From this language, it appears that owner has about two weeks to complete the demo or repair. Since my client does not currently own the property, meeting this deadline is not possible. Is there any way we can get an extension of this deadline?

Also, based on the conversation you and I had, and based on my reading of the Municipal Code, I understand that prior to the actual demolition, the city commission must first hold a hearing to determine if the building is a "dangerous building." If the commission determines the building is dangerous, the commission then issues an order commanding the demolition. About how long does it take for your office to get in front of the commission?

Best regards,

Tyler Wirick\*  
*Attorney*  
Email: [tylerw@hwmlawfirm.com](mailto:tylerw@hwmlawfirm.com)  
Direct: 205 263 2575  
Internal: 2575  
376 East 400 South, Suite 300  
Salt Lake City, Utah 84111  
[www.hwmlawfirm.com](http://www.hwmlawfirm.com)

\*Licensed in Utah, Idaho, and North Dakota



Alabama | Alaska | Colorado | Georgia | Idaho | Minnesota | Mississippi | Montana | Nebraska | North Dakota | South Dakota | Utah | Wyoming



If you do not wish to receive e-mail messages from Halliday, Watkins & Mann, P.C. please change the subject line to this email to "Unsubscribe" and reply to the sender

**CONFIDENTIALITY NOTICE:** The information contained herein may be privileged and protected by the attorney/client and/or other privilege. It is confidential in nature and intended for use by the intended addressee only. Delivery of this message to any person other than the intended recipient shall not constitute a waiver of any right, privilege, or exemption. If you are not the intended recipient, you are hereby expressly prohibited from dissemination, copy, or any use whatsoever of this transmission and its contents. Furthermore, if you receive this transmission in error, please reply or call the sender and arrangements will be made to retrieve the originals from you at no charge.

Pursuant to the Fair Debt Collections Practices Act, you are advised that Halliday, Watkins & Mann, P.C. may be deemed to be a debt collector attempting to collect a debt and any information will be used for that purpose.

**Shawn Ouradnik**

---

**From:** Noah Gunderson <noahgunderson13@gmail.com>  
**Sent:** Wednesday, May 8, 2024 8:36 PM  
**To:** Shawn Ouradnik  
**Subject:** Re: 909 4 ST N  
**Attachments:** image001.png

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

Im not sure what authority you have to board up my house because of the police kicking in my doors. I dont rent to anyone as i am not being paid, i do not live there so im not sure why you insist a witch hunt on me. I have only helped people be warm and fed and not living on the streets. Your reasons for "condemning" house are absurd. Paraphernalia is not a legitimate reason for condemning a home. And the issues with my house you have are in the same condition that they were when fha approved my north dakota first time home buyers loan 13 years ago. It is not a fha loan anymore either the doors being kicked in and my irreplaceable antique door was shattered by the fargo police department without any chance of the door being answered. So if that is a condemnable reason then you the city of fargo needs to fix it. My garage was reinforced 10 years ago and inspected and approved 13 years ago. Your nonsense is simply a witch hunt against me. Ive never down anything to deserve this treatment and I have done nothing in my life wrong as i have no record until my license was illegally taken by the state for bullshit child support not being paid. Oddly enough i was paying my child support and I informed the officer and judge of this. I should still have 50/50 custody of my 4 boys , but thstate helped my ex illegally take my kids and ruin my life. Because of absolutely absurd and slanderous statements made by individuals i have not seen my children in 21/2 years. I have been in a state of depression and anxiety whereas I have not been able to function properly for a few years due to my ex divorcing me, stealing my children, my brother tragically dieing at 38, and in June my mother passed away from liver cancer. I have finally been able to get out of my rut and you intend to put me right back into it. I have everymind to sue the police city and state for everything they have done to destroy my life. I have evidence of defamation of character, harassment, libel and slander not only against the city but on individuals who have not been brought up on charges as the city just ignores the terrible things that are repeatedly said about me and done to me and my house, why because you want to purchase my property cheap after you tear my house down just as you did to Shane kieskas on south 5th state it is a dirty thing this corrupt government has been doing. Not only did you destroy my life property and mental health, but you took a loving, supportive father away from 4 boys who didnt even want to go to their mothers house. I was a sober person before my divorce and am once again sober again for now... y continue to harass me and now you take away the only thing i had left, my childhood home where everything in my life happened. Now you expect me to update my home on what grounds? You did an illegal inspection during an illegal raid that I the home owner has every right to oversee as i do not even even know what was actually there or what the corrupt fargo police department planted. The evidence list i received in not even legible and from what i can see there are a lot of baggys. Which baggys are not any kind of paraphernalia as you dont even have any idea what was inthe baggy nor could you ever even find out from any amount of residue. I want my house opened back up and the great full people who were living there to not be harassed anymore. The main person living there Matt netterville wasn't charge with anything or arrested. This is the problem with government getting involved in things that the aren't supposed to be in. Clear abuse of powers and i will be contacting an attorney.

I hope this is fixed

Sincerely

Noah Gunderson



36

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## Memorandum

DATE: June 24, 2024  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Shawn Ouradnik, Inspections Director  
SUBJECT: Dangerous Building Public Hearing for 1449 4 AVE S FARGO ND 58103

---

The property owner of 1449 4 AVE S FARGO ND 58103, Fargo ND, has failed to comply with the order to either obtain a permit to repair or remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-04, a hearing date is scheduled for June 24, 2024

Article 21-0406 also allows court action if that is the course the commission chooses to take.

Article 21-0412 allows any person desiring to appeal the order issued by the board of city commissioners to do so in the district court.

The recommendation is to **designate this a dangerous building, direct the City Attorney to prepare findings of fact in this matter, and order it repaired with permits to be obtained no later than September 23, 2024 with a project completion date no later December 20, 2024.**

**Property Information:** Building is currently uninhabitable due to condition.

**Location:** 1449 4 AVE S FARGO ND 58103

**Owner:** LORI JILL EVELAND

**Description:** 1282 square foot story and one half, wood-framed structure built in 1919

**Description of Damage:**

- Exterior junk
- Attic window is missing
- North entry door has been damaged and will not seal or operate as designed
- Exterior weather barrier around porch wall opening and damaged entry door
- Dining and bedroom ceilings have been removed without a permit
- Kitchen flooring has been removed leaving raw plywood
- Unpermitted electrical work
- Multiple areas of exposed wiring on dismantled fixtures and open junction boxes
- Holes and peeling paint on interior walls
- Plastic dryer vent
- Exposed areas of foundation have large cracks
- Damage to original north entry where Swat forced entry

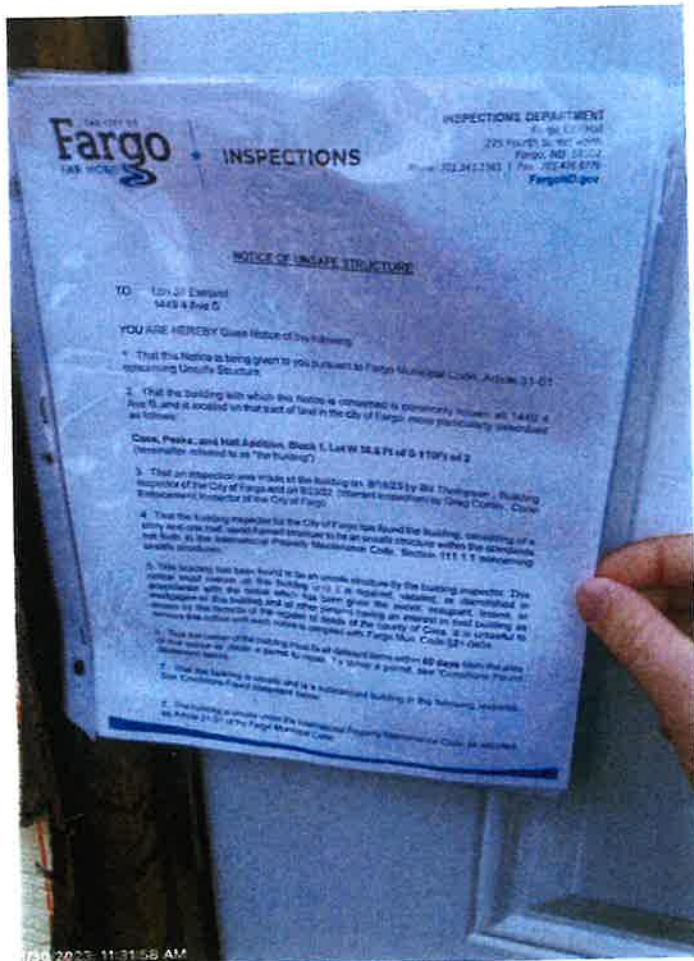
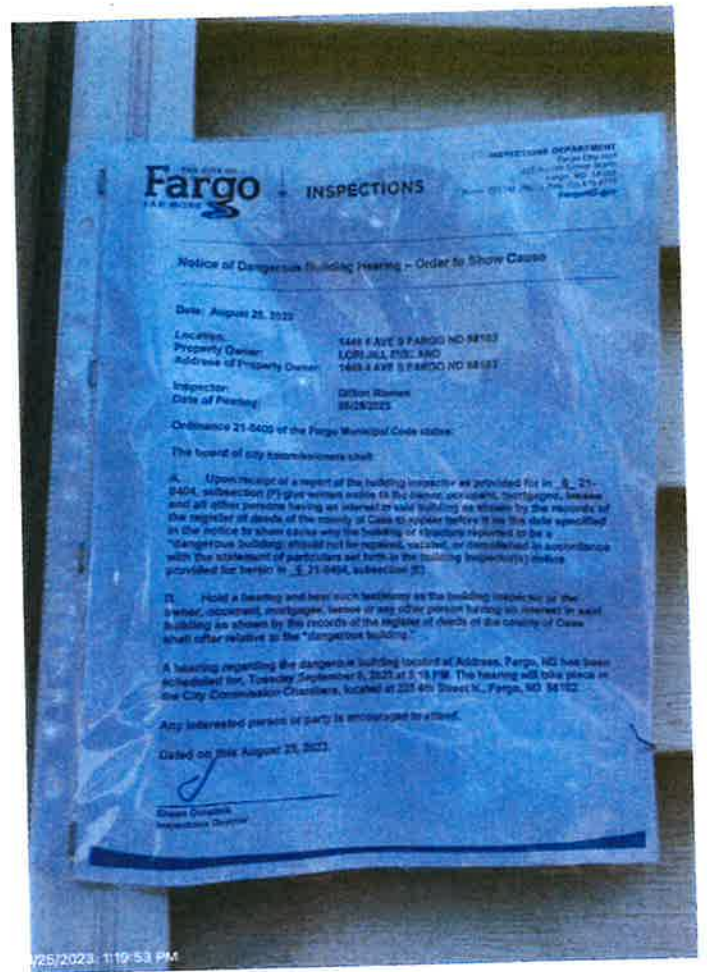
**TimeLine of Events:**

- 8/18/2023 – Notified of possible Dangerous Building. Structure found Unsafe but not Dangerous, posted and notices sent. Occupant allowed to stay in home to facilitate repairs.
- 11/30/2023 – No progress made structure posted as Substandard Building, vacated, and secured. Notices sent.
- 11/2023 to 2/2024 - Property up for sale. No permits obtained for repairs.
- 2/2/2024 - Unsafe Structure Notice recorded to deed due to property listed for sale
- 5/29/2024 - Amended Summons received for foreclosure of property.
- 6/10/2024 - Request for Dangerous Building Public Hearing
- 6/24/2024 - Public Hearing at City Commission

**Additional Information:**



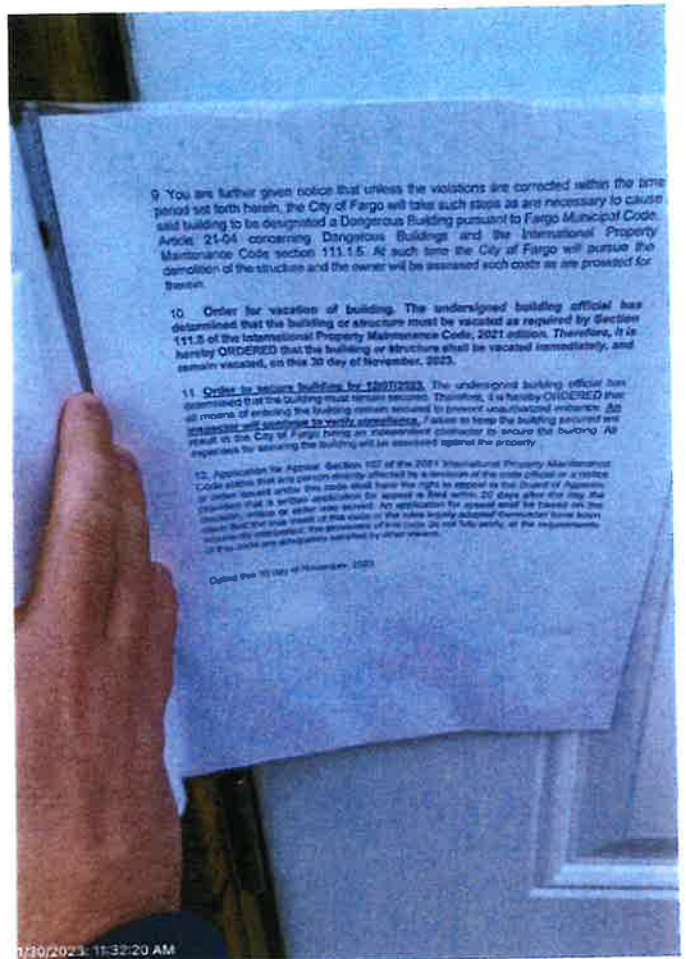
This property is considered a Dangerous Building but not in a state that would facilitate demolition. In section 21-0402 it allows for repair, vacation, or demolition. We tried to work with the owner to have the structure repaired. After the first notice was issued the owner did not make any of the needed repairs and a second notice was issued with the stipulation to vacate the structure until repaired. At that time the owner decided to contact a realtor and place the property on the market for sale. There were some inquires but no sale has been recorded nor have we received any documentation showing a purchase has happened. The water and electricity have been turned off in the structure. The owner's partner has been into the structure to show it and to retrieve personal items. The property is in foreclosure by US Bank National Association ND in Fargo. We were served a Summons for the foreclosure because the Unsafe Structure notice was recorded on the deed. We would like to allow additional time to repair the structure and keep it in the housing stock of the city.



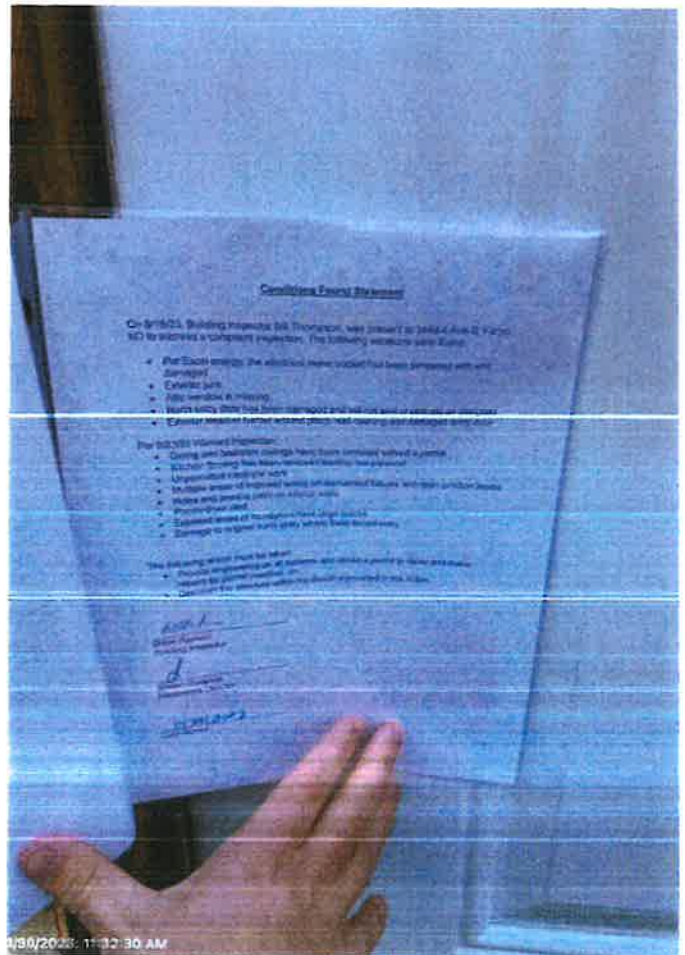
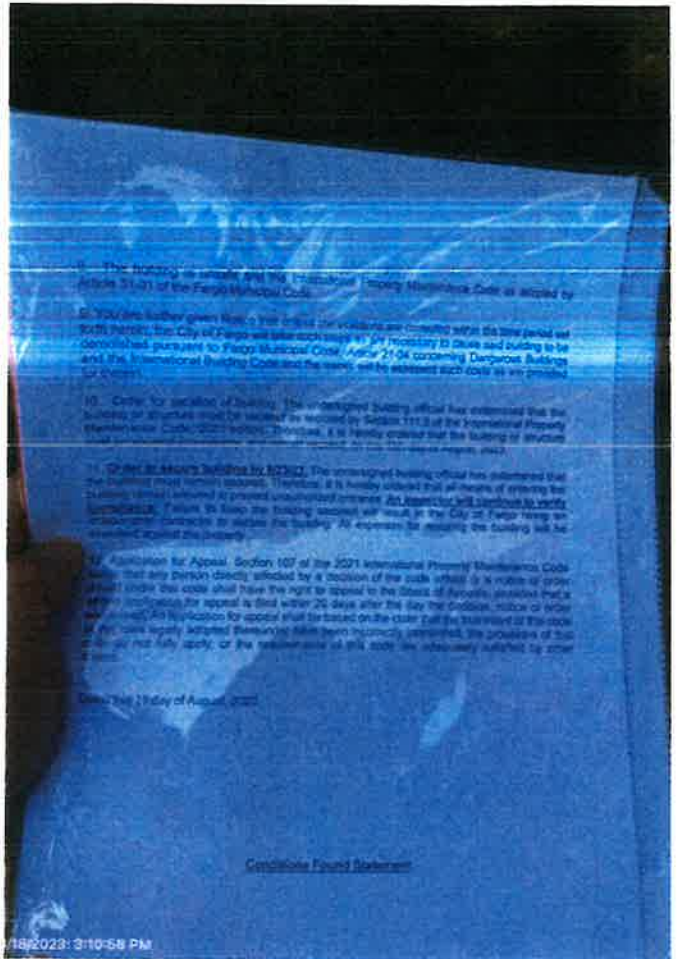




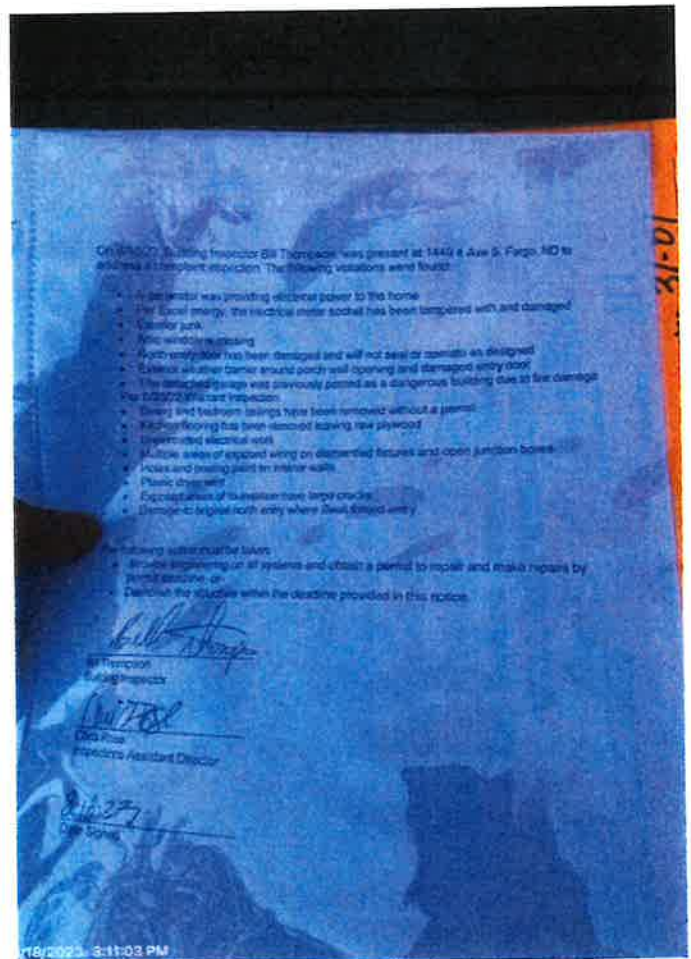
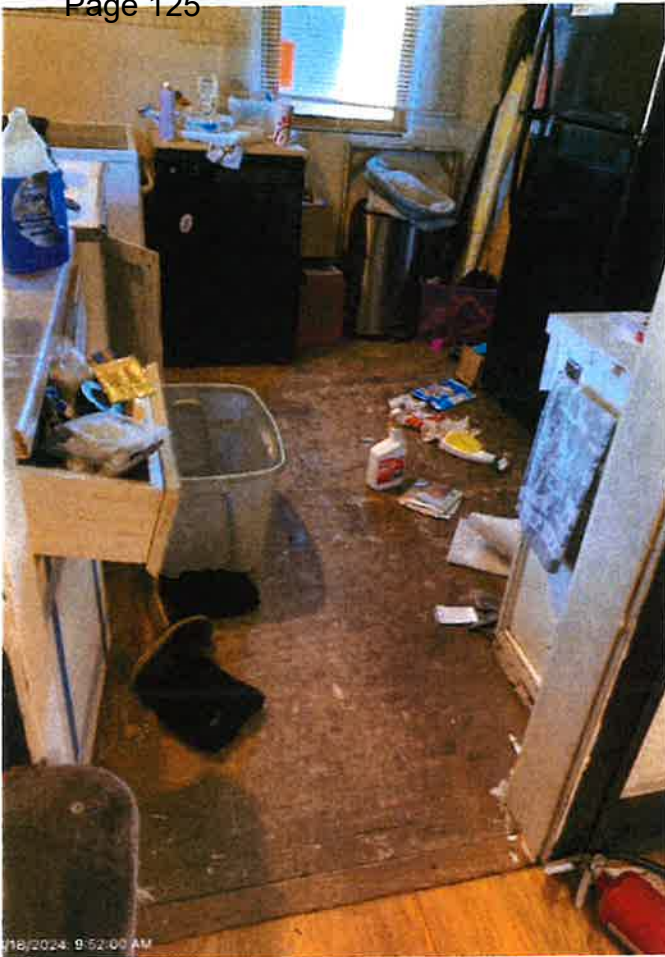




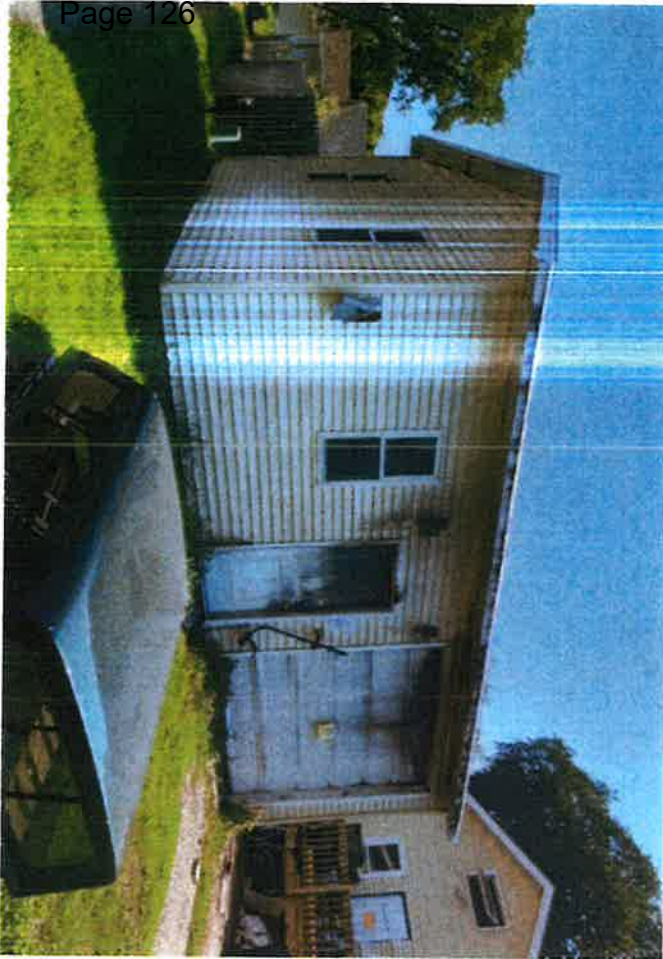




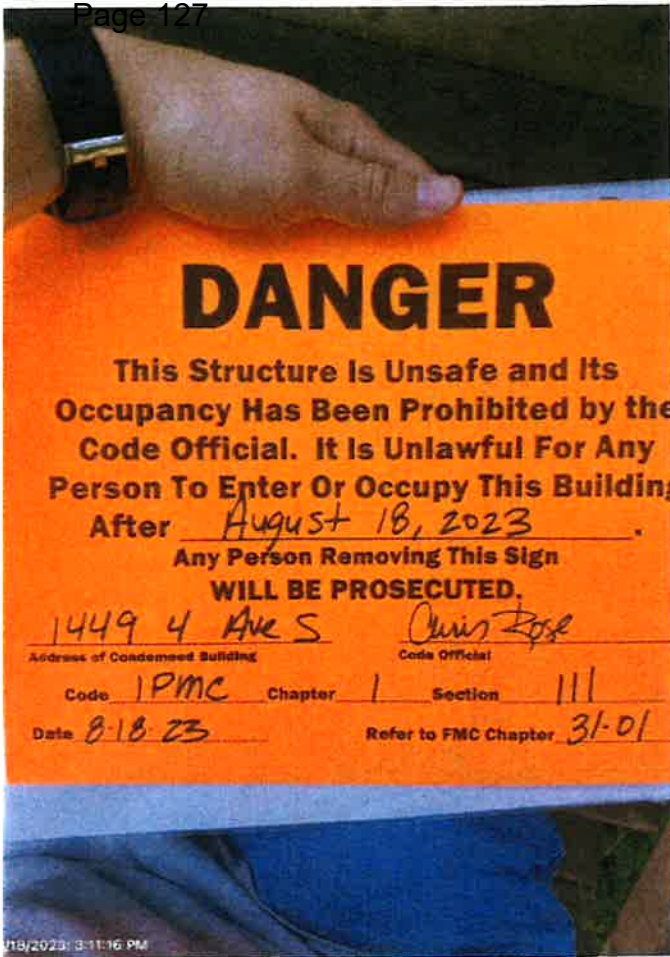












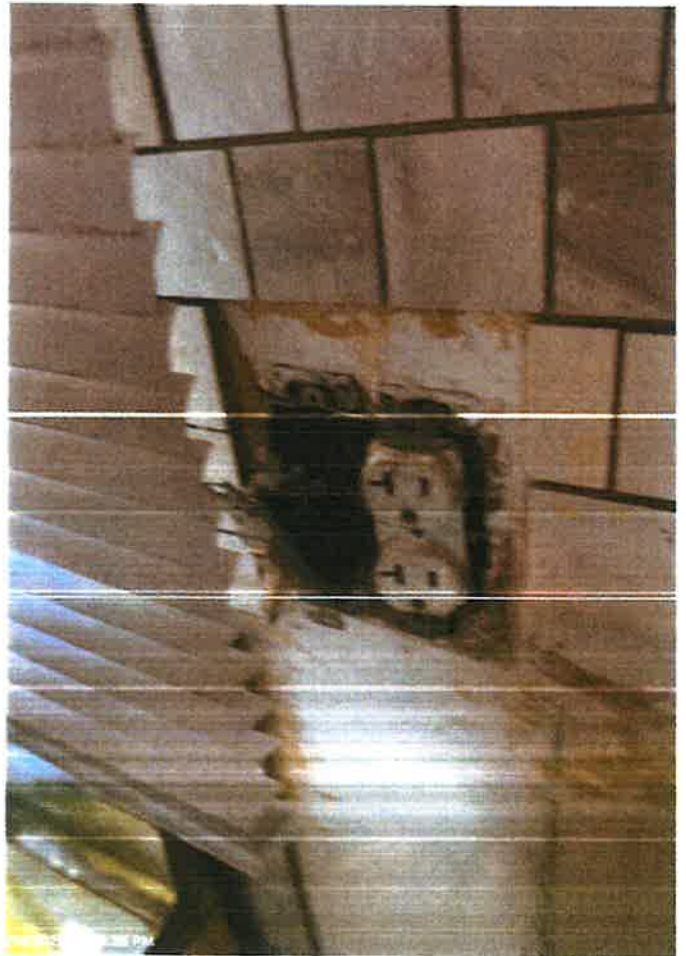
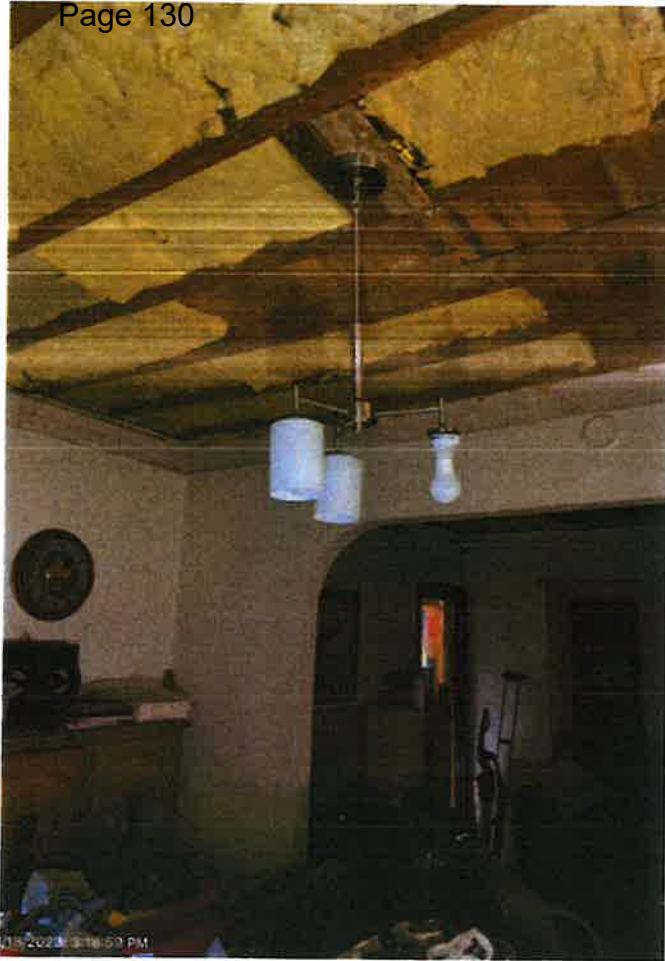




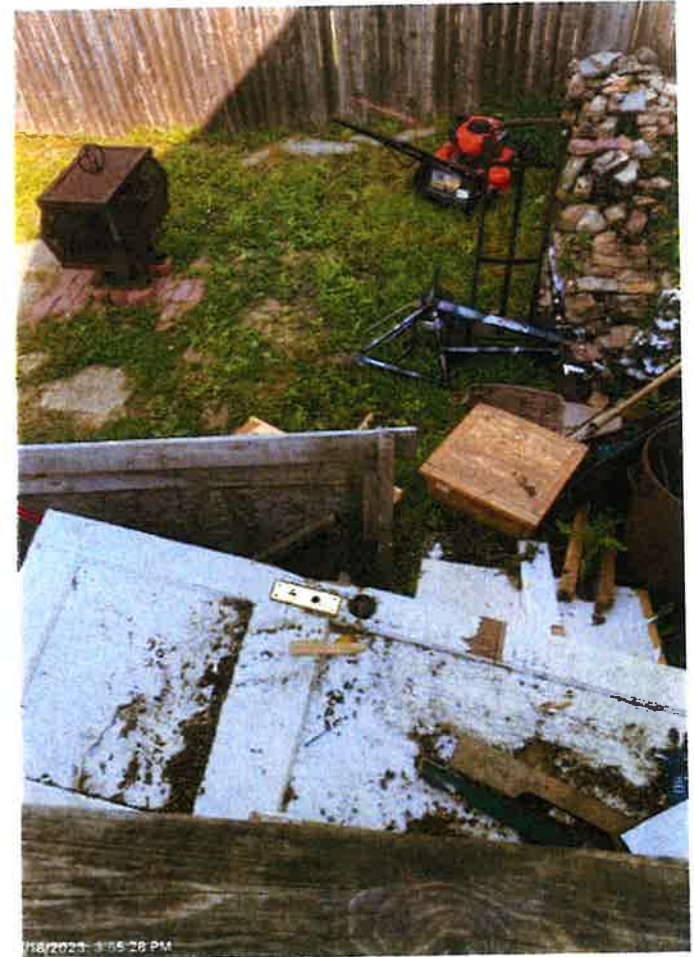


















---

## Memorandum

DATE: June 10, 2024  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Shawn Ouradnik, Inspections Director  
SUBJECT: Dangerous Building Notice and Order at 1449 4 Ave S, Fargo, ND

---

The property owner of 1449 4 Ave S, Fargo, ND Lori Jill Eveland has failed to comply with the order to either obtain a permit to repair or remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-04, it will now be necessary for you to set a date for a hearing of this order at which time the property owner will be able to appear and show cause why the building should not be removed and the costs of that removal assessed against this property.

The recommendation is **to make a motion, in accordance with FMC Article 21-04, to set 5:15 pm Monday, June 24, 2024 as the time and date for the hearing regarding the dangerous building order for the structure at 1449 4 Ave S, Fargo, ND.**



INSPECTIONS

INSPECTIONS DEPARTMENT  
Fargo City Hall  
225 Fourth Street North  
Fargo, ND 58102  
Phone: 701.241.1561 | Fax: 701.476.6779  
FargoND.gov

---

**Notice of Dangerous Building Hearing – Order to Show Cause**

---

**Date:** June 11, 2024

**Location:** 1449 4 AVE S FARGO ND 58103  
**Property Owner:** LORI JILL EVELAND  
**Address of Property Owner:** 1449 4 AVE S FARGO ND 58103

**Inspector:** Dillon Riemann  
**Date of Posting:** 11/30/2023

Ordinance 21-0405 of the Fargo Municipal Code states:

The board of city commissioners shall:

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

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

A hearing regarding the dangerous building located at Address, Fargo, ND has been scheduled for, Monday, June 24, 2024 at 5:15 PM. The hearing will take place in the City Commission Chambers, located at 225 4th Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend.

Dated on this June, 11 2024.

---

Shawn Ouradnik  
Inspections Director





INSPECTIONS

INSPECTIONS DEPARTMENT  
Fargo City Hall  
225 Fourth Street North  
Fargo, ND 58102  
Phone: 701.241.1561 | Fax: 701.476.6779  
FargoND.gov

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**Notice of Dangerous Building Hearing – Order to Show Cause**

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**Date:** June 11, 2024

**Location:** 1449 4 AVE S FARGO ND 58103  
**Property Owner:** LORI JILL EVELAND  
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Any interested person or party is encouraged to attend.

Dated on this June, 11 2024.

  
\_\_\_\_\_  
Shawn Ouradnik  
Inspections Director

















## Shipment Confirmation Acceptance Notice

### A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 06/11/2024  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4® 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express®*      |        |
| Priority Mail®               |        |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

### B. USPS Action

- Note to RSS Clerk:
1. Home screen > Mailing/Shipping > More
  2. Select Shipment Confirm
  3. Scan or enter the barcode/label number from PS Form 5630
  4. Confirm the volume count message by selecting Yes or No
  5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.  
 Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0053 3226 84





Confirmation Services Certification

**COMPANY INFORMATION**

|   |   |
|---|---|
| Company Name<br>City of Fargo   | Address (Number, street, suite no., city, state, and ZIP Code™)<br>225 4th St N<br>Fargo ND 58102 |
| <small>Mailer Identification (MID)* *MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.</small> |   |

**ELECTRONIC FILE**

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for Confirmation Services and Electronic Verification System (eVS) Mailers*.

|                           |             |
|---------------------------|-------------|
| Authorized NCSC Signature | Date Signed |
|---------------------------|-------------|

**BARCODED LABELS**

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

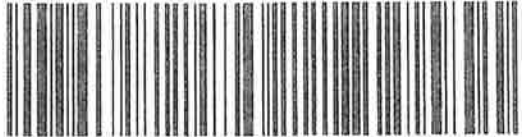
|                           |             |
|---------------------------|-------------|
| Authorized NCSC Signature | Date Signed |
|---------------------------|-------------|

**INSTRUCTIONS FOR MAILER**

Keep the original of this form in a safe place and provide a copy to your local USPS® facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000053322684

Confirmation Services Electronic File Number

|         |     |                   |               |             |
|---------|-----|-------------------|---------------|-------------|
| **92/93 | 750 | 901193562         | 00005332268   | 4           |
| AI      | STC | Mailer ID         | Serial Number | Check Digit |
| 94      |     |                   |               |             |
| AI      | STC | Source Identifier | Serial Number | Check Digit |

\*\*91 can be used if approved for exception.

**INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE**

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

- Horizontal bars above and below the barcode.
- Human-readable numbers below the barcode.
- Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
- For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS USPS TRACKING", and "USPS TRACKING e-VS."

|                               |   |
|-------------------------------|---|
| Date and Time of Verification | Date and Time of Mailing (if different from date of verification) |
|-------------------------------|---|



## Shipment Confirmation Acceptance Notice

### A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 06/11/2024  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP: 49 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express®*      |        |
| Priority Mail®               |        |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

### B. USPS Action

**Note to RSS Clerk:**

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.  
 Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0053 3394 77







# Confirmation Services Certification

## COMPANY INFORMATION

Company Name

City of Fargo

Address (Number, street, suite no., city, state, and ZIP Code™)

225 4th St N  
Fargo ND 58102

Mailer Identification (MID) \*MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

## ELECTRONIC FILE

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Authorized NCSC Signature

Date Signed

## BARCODED LABELS

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Date Signed

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Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000053339477

Confirmation Services Electronic File Number

|         |     |                   |               |               |             |
|---------|-----|-------------------|---------------|---------------|-------------|
| **92/93 | 750 | 901193562         | 00005333947   | 7             |             |
| AI      | STC | Mailer ID         | Serial Number | Check Digit   |             |
| 94      |     |                   |               |               |             |
| AI      | STC | Source Identifier | Mailer ID     | Serial Number | Check Digit |

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Date and Time of Verification

Date and Time of Mailing (if different from date of verification)

City of Fargo  
225 4th St N  
Fargo ND 58102

---

USPS CERTIFIED MAIL



9214 8901 9403 8365 2816 96

---

U S BANK NATIONAL ASSOCIATION ND  
4325 17TH AVE S  
FARGO ND 58125-6200



# INSPECTIONS

INSPECTIONS DEPARTMENT  
Fargo City Hall  
225 Fourth Street North  
Fargo, ND 58102  
Phone: 701.241.1561 | Fax: 701.476.6779  
FargoND.gov

## Notice of Dangerous Building Hearing – Order to Show Cause

**Date:** June 11, 2024

**Location:** 1449 4 AVE S FARGO ND 58103  
**Property Owner:** LORI JILL EVELAND  
**Address of Property Owner:** 1449 4 AVE S FARGO ND 58103

**Inspector:** Dillon Riemann  
**Date of Posting:** 11/30/2023

Ordinance 21-0405 of the Fargo Municipal Code states:

The board of city commissioners shall:

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

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

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Any interested person or party is encouraged to attend.

Dated on this June, 11 2024.

Shawn Ouradnik  
Inspections Director





## Shipment Confirmation Acceptance Notice

### A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 06/11/2024  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4: 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express®       |        |
| Priority Mail®               |        |
| First-Class Package Service™ |        |
| Returns                      |        |
| International*               |        |
| Other*                       | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

### B. USPS Action

- Note to RSS Clerk:**
1. Home screen > Mailing/Shipping > More
  2. Select **Shipment Confirm**
  3. Scan or enter the barcode/label number from PS Form 5630
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USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0053 3394 77





# Confirmation Services Certification

## COMPANY INFORMATION

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City of Fargo

Mailer Identification (MID)\* MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

Address (Number, street, suite no., city, state, and ZIP Code™)

225 4th St N  
Fargo ND 58102

## ELECTRONIC FILE

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Date Signed

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92750901193562000053339477

Confirmation Services Electronic File Number

\*\*92/93

750

901193562

00005333947

7

AI

STC

Mailer ID

Serial Number

Check Digit

94

AI

STC

Source Identifier

Mailer ID

Serial Number

Check Digit

\*\*91 can be used if approved for exception.

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2. Human-readable numbers below the barcode.
3. Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL.", or product specific found in Publication 199 based on the service type code.
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Date and Time of Verification

Date and Time of Mailing (if different from date of verification)

**PROOF OF ACCEPTANCE  
(ELECTRONIC)**

PRODUCED DATE: 06/12/2024

CITY OF FARGO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8365 1710 10

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE FARGO,ND 58108 06/12/2024 15:33

ORIGINAL INTENDED RECIPIENT:

LORI JILL EVELAND

1449 4TH AVE S

FARGO ND 58103-1635



**PROOF OF ACCEPTANCE  
(ELECTRONIC)**

PRODUCED DATE: 06/13/2024

CITY OF FARGO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8365 2816 96

Our records indicate that this item was accepted by the USPS at:

ARRIVAL AT UNIT FARGO,ND 58102 06/13/2024 12:57

ORIGINAL INTENDED RECIPIENT:

U S BANK NATIONAL ASSOCIATION ND

4325 17TH AVE S

FARGO ND 58125-6200

# Fargo Inspections

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



## NOTICE OF UNSAFE STRUCTURE

TO: Lori Jill Eveland  
1449 4 Ave S

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 31-01 concerning Unsafe Structure.
2. That the building with which this Notice is concerned is commonly known as 1449 4 Ave S, and is located on that tract of land in the city of Fargo, more particularly described as follows:

**Case, Peake, and Hall Addition, Block 1, Lot W 36.6 Ft of S 110Ft of 2**  
(hereinafter referred to as "the building")

3. That an inspection was made of the building on 8/18/23 by Bill Thompson, Building Inspector of the City of Fargo and on 8/23/22 (Warrant Inspection) by Greg Conlin, Code Enforcement Inspector of the City of Fargo
4. That the building inspector for the City of Fargo has found the building, consisting of a story and one half, wood-framed structure to be an unsafe structure within the standards set forth in the International Property Maintenance Code, Section 111.1.5 concerning unsafe structures.
5. This building has been found to be an unsafe structure by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.
6. That the owner of the building must fix all deficient items within 30 days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.
7. That the building is unsafe and is a substandard building in the following respects: See 'Conditions Found Statement' below.

8. The building is unsafe and the International Property Maintenance Code as adopted by Article 31-01 of the Fargo Municipal Code.

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

10. Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 111.8 of the International Property Maintenance Code, 2021 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 18th day of August, 2023.

11. **Order to secure building by 8/23/23.** The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. Application for Appeal. Section 107 of the 2021 International Property Maintenance Code states that any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 18 day of August, 2023.

**Conditions Found Statement**

On 8/18/23, Building Inspector Bill Thompson, was present at 1449 4 Ave S, Fargo, ND to address a complaint inspection. The following violations were found:

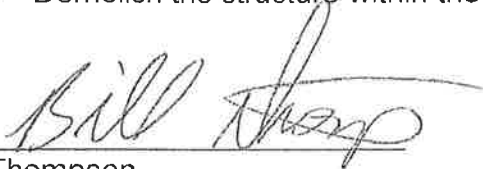
- A generator was providing electrical power to the home
- Per Excel energy, the electrical meter socket has been tampered with and damaged
- Exterior junk
- Attic window is missing
- North entry door has been damaged and will not seal or operate as designed
- Exterior weather barrier around porch wall opening and damaged entry door
- The detached garage was previously posted as a dangerous building due to fire damage

Per 8/23/22 Warrant Inspection:

- Dining and bedroom ceilings have been removed without a permit
- Kitchen flooring has been removed leaving raw plywood
- Unpermitted electrical work
- Multiple areas of exposed wiring on dismantled fixtures and open junction boxes
- Holes and peeling paint on interior walls
- Plastic dryer vent
- Exposed areas of foundation have large cracks
- Damage to original north entry where Swat forced entry

The following action must be taken:


- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.



Bill Thompson  
Building Inspector



Chris Rose  
Inspections Assistant Director



Date Signed



City of Fargo  
225 4th St N  
Fargo ND 58102

---

USPS CERTIFIED MAIL



9214 8901 9403 8327 0731 30

---

LORI JILL EVELAND  
1449 4TH AVE S  
FARGO ND 58103-1635



## Shipment Confirmation Acceptance Notice

### A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 08/18/2023

Shipped From:

Name: CITY OF FARGO

Address: 225 4TH ST N

City: FARGO

State: ND ZIP+4® 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express®*      |        |
| Priority Mail®               | 0      |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

### B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.  
Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0046 5391 98





# Confirmation Services Certification

## COMPANY INFORMATION

Company Name

City of Fargo

Address (Number, street, suite no., city, state, and ZIP Code™)

225 4th St N

Fargo ND 58102

Mailer Identification (MID)™ MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

## ELECTRONIC FILE

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for: Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

## BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

Authorized NCSC Signature

Date Signed

## INSTRUCTIONS FOR MAILER

Keep the original of this form in a safe place and provide a copy to your local USPS® facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000046539198

Confirmation Services Electronic File Number

\*\*92/93

750

901193562

00004653919

8

AI

STC

Mailer ID

Serial Number

Check Digit

94

AI

STC

Source Identifier

Mailer ID

Serial Number

Check Digit

\*\*91 can be used if approved for exception.

## INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

1. Horizontal bars above and below the barcode.
2. Human-readable numbers below the barcode.
3. Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
4. For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)



**AFFIDAVIT OF SERVICE**

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

**Re: Posting of Unsafe Structure – 1449 4 Ave S**

Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 18<sup>th</sup> day of August 2023, he posted the attached notice upon the front of the building located at the following address:

1449 4 Ave S  
Fargo, ND 58103

  
\_\_\_\_\_  
Bill Thompson

Subscribed and sworn to before me this 18 day of August 2023.

  
\_\_\_\_\_  
Notary Public  
Cass County, North Dakota

(SEAL)







City of Fargo  
225 4th St N  
Fargo ND 58102

---

USPS CERTIFIED MAIL



9214 8901 9403 8327 0731 30

---

LORI JILL EVELAND  
1449 4TH AVE S  
FARGO ND 58103-1635



# Fargo Inspections

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



## NOTICE OF UNSAFE STRUCTURE

TO: Lori Jill Eveland  
1449 4 Ave S

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 31-01 concerning Unsafe Structure.
2. That the building with which this Notice is concerned is commonly known as 1449 4 Ave S, and is located on that tract of land in the city of Fargo, more particularly described as follows:

**Case, Peake, and Hall Addition, Block 1, Lot W 36.6 Ft of S 110Ft of 2**  
(hereinafter referred to as "the building")

3. That an inspection was made of the building on 8/18/23 by Bill Thompson, Building Inspector of the City of Fargo and on 8/23/22 (Warrant Inspection) by Greg Conlin, Code Enforcement Inspector of the City of Fargo
4. That the building inspector for the City of Fargo has found the building, consisting of a story and one half, wood-framed structure to be an unsafe structure within the standards set forth in the International Property Maintenance Code, Section 111.1.5 concerning unsafe structures.
5. This building has been found to be an unsafe structure by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.
6. That the owner of the building must fix all deficient items within 30 days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.
7. That the building is unsafe and is a substandard building in the following respects: See 'Conditions Found Statement' below.

8. The building is unsafe and the International Property Maintenance Code as adopted by Article 31-01 of the Fargo Municipal Code.

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

10. Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 111.8 of the International Property Maintenance Code, 2021 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 18th day of August, 2023.

11. **Order to secure building by 8/23/23.** The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. Application for Appeal. Section 107 of the 2021 International Property Maintenance Code states that any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 18 day of August, 2023.

**Conditions Found Statement**

On 8/18/23, Building Inspector Bill Thompson, was present at 1449 4 Ave S, Fargo, ND to address a complaint inspection. The following violations were found:

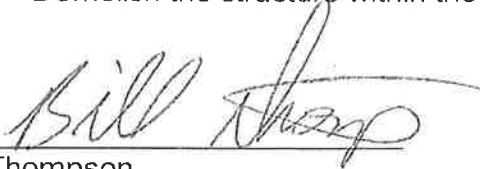
- A generator was providing electrical power to the home
- Per Excel energy, the electrical meter socket has been tampered with and damaged
- Exterior junk
- Attic window is missing
- North entry door has been damaged and will not seal or operate as designed
- Exterior weather barrier around porch wall opening and damaged entry door
- The detached garage was previously posted as a dangerous building due to fire damage

Per 8/23/22 Warrant Inspection:

- Dining and bedroom ceilings have been removed without a permit
- Kitchen flooring has been removed leaving raw plywood
- Unpermitted electrical work
- Multiple areas of exposed wiring on dismantled fixtures and open junction boxes
- Holes and peeling paint on interior walls
- Plastic dryer vent
- Exposed areas of foundation have large cracks
- Damage to original north entry where Swat forced entry

The following action must be taken:

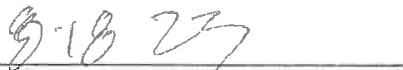
- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.



Bill Thompson  
Building Inspector



Chris Rose  
Inspections Assistant Director



Date Signed



## Shipment Confirmation Acceptance Notice

### A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 08/18/2023  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4®: 58102

| Type of Mail                 | Volume |
|------------------------------|--------|
| Priority Mail Express™       |        |
| Priority Mail®               | 0      |
| First-Class Package Service® |        |
| Returns                      |        |
| International*               |        |
| Other                        | 1      |
| Total                        | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

### B. USPS Action

**Note to RSS Clerk:**

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

**USPS EMPLOYEE:** Please scan upon pickup or receipt of mail. Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0046 5391 98







## Confirmation Services Certification

### COMPANY INFORMATION

Company Name

City of Fargo

Address (Number, street, suite no., city, state, and ZIP Code™)

225 4th St N

Fargo ND 58102

Mailer Identification (MID)™ MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

### ELECTRONIC FILE

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for: Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

### BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

Authorized NCSC Signature

Date Signed

### INSTRUCTIONS FOR MAILER

Keep the original of this form in a safe place and provide a copy to your local USPS® facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000046539198

Confirmation Services Electronic File Number

\*\*92/93

750

901193562

00004653919

8

AI

STC

Mailer ID

Serial Number

Check Digit

94

AI

STC

Source Identifier

Mailer ID

Serial Number

Check Digit

\*\*91 can be used if approved for exception.

### INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

- Horizontal bars above and below the barcode.
- Human-readable numbers below the barcode.
- Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
- For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)

PROOF OF ACCEPTANCE  
(ELECTRONIC)

PRODUCED DATE: 08/19/2023

CITY OF FARGO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8327 0731 30

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE FARGO,ND 58108 08/18/2023

ORIGINAL INTENDED RECIPIENT:

LORI JILL EVELAND

1449 4TH AVE S

FARGO ND 58103-1635

PROOF OF ACCEPTANCE  
(ELECTRONIC)

PRODUCED DATE: 08/26/2023

CITY OF FARGO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8327 9812 82

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE FARGO,ND 58108 08/25/2023

ORIGINAL INTENDED RECIPIENT:

LORI JILL EVELAND

1449 4TH AVE S

FARGO ND 58103-1635



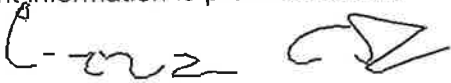
Mailer: City of Fargo

Date Produced: 08/22/2023

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8327 0731 30. Our records indicate that this item was delivered on 08/21/2023 at 02:55 p.m. in FARGO, ND 58103. The scanned image of the recipient information is provided below.

Signature of Recipient :

  
LORI E. EVELAND

Address of Recipient :

1249 S. 4TH AVE  
;

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

Sincerely,  
United States Postal Service

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

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

LORI JILL EVELAND  
1449 4TH AVE S  
FARGO ND 58103-1635

Customer Reference Number: C4405744.26336664

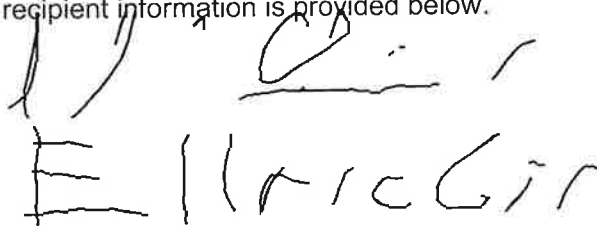
Mailer: City of Fargo

Date Produced: 09/07/2023

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8327 9812 82. Our records indicate that this item was delivered on 09/06/2023 at 02:21 p.m. in FARGO, ND 58103. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



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

Sincerely,  
United States Postal Service

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

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

LORI JILL EVELAND  
1449 4TH AVE S  
FARGO ND 58103-1635

Customer Reference Number: C4421599.26436332



## INSPECTIONS

### INSPECTIONS DEPARTMENT

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

### NOTICE OF UNSAFE STRUCTURE

TO: Lori Jill Eveland  
1449 4 Ave S

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 31-01 concerning Unsafe Structure.
2. That the building with which this Notice is concerned is commonly known as 1449 4 Ave S, and is located on that tract of land in the city of Fargo, more particularly described as follows:

**Case, Peake, and Hall Addition, Block 1, Lot W 36.6 Ft of S 110Ft of 2**  
(hereinafter referred to as "the building")

3. That an inspection was made of the building on 8/18/23 by Bill Thompson , Building Inspector of the City of Fargo and on 8/23/22 (Warrant Inspection) by Greg Conlin , Code Enforcement Inspector of the City of Fargo
4. That the building inspector for the City of Fargo has found the building, consisting of a story and one half, wood-framed structure to be an unsafe structure within the standards set forth in the International Property Maintenance Code, Section 111.1.1 concerning unsafe structures.
5. This building has been found to be an unsafe structure by the building inspector. This notice must remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Fargo Mun. Code §21-0404.
6. That the owner of the building must fix all deficient items within **60 days** from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.
7. That the building is unsafe and is a substandard building in the following respects: See 'Conditions Found Statement' below.
8. The building is unsafe under the International Property Maintenance Code as adopted by Article 31-01 of the Fargo Municipal Code.

9. You are further given notice that unless the violations are corrected within the time period set forth herein, the City of Fargo will take such steps as are necessary to cause said building to be designated a Dangerous Building pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and the International Property Maintenance Code section 111.1.5. At such time the City of Fargo will pursue the demolition of the structure and the owner will be assessed such costs as are provided for therein.

10. **Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 111.8 of the International Property Maintenance Code, 2021 edition. Therefore, it is hereby ORDERED that the building or structure shall be vacated immediately, and remain vacated, on this 30 day of November, 2023.**

11. **Order to secure building by 12/07/2023.** The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ORDERED that all means of entering the building remain secured to prevent unauthorized entrance. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. Application for Appeal. Section 107 of the 2021 International Property Maintenance Code states that any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 30 day of November, 2023.



Conditions Found Statement

On 8/18/23, Building Inspector Bill Thompson, was present at 1449 4 Ave S, Fargo, ND to address a complaint inspection. The following violations were found:

- Per Excel energy, the electrical meter socket has been tampered with and damaged
- Exterior junk
- Attic window is missing
- North entry door has been damaged and will not seal or operate as designed
- Exterior weather barrier around porch wall opening and damaged entry door

Per 8/23/22 Warrant Inspection:


- Dining and bedroom ceilings have been removed without a permit
- Kitchen flooring has been removed leaving raw plywood
- Unpermitted electrical work
- Multiple areas of exposed wiring on dismantled fixtures and open junction boxes
- Holes and peeling paint on interior walls
- Plastic dryer vent
- Exposed areas of foundation have large cracks
- Damage to original north entry where Swat forced entry

The following action must be taken:

- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.

  
\_\_\_\_\_  
Dillon Rieman  
Building Inspector

  
\_\_\_\_\_  
Shawn Ouradnik  
Inspections Director

  
\_\_\_\_\_  
Date Signed

**AFFIDAVIT OF SERVICE**

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

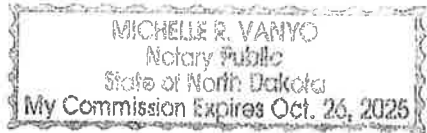
**Re: Posting of Unsafe Structure – 1449 4 Ave S**

Dillon Riemann, being first duly sworn and being of legal age, deposes and says that on the 30<sup>th</sup> day of November 2023, he posted the attached notice upon the front of the building located at the following address:

1449 4 Ave S  
Fargo, ND 58103

*Dillon Riemann*  
Dillon Riemann

Subscribed and sworn to before me this 30 day of November 2023.



(SEAL)

*Michelle R. Vanyo*  
Notary Public  
Cass County, North Dakota









## Shipment Confirmation Acceptance Notice

### A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, must match the labeled packages being presented to the USPS<sup>®</sup> employee with this form.

Shipment Date: 11/30/2023  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4TH ST N  
 City: FARGO  
 State: ND ZIP+4<sup>®</sup> 58102

| Type of Mail                             | Volume |
|--|--------|
| Priority Mail Express <sup>®*</sup>      |        |
| Priority Mail <sup>®</sup>               | 0      |
| First-Class Package Service <sup>®</sup> |        |
| Returns                                  |        |
| International*                           |        |
| Other                                    | 1      |
| Total                                    | 1      |

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office<sup>™</sup> and items receive individual processing and acceptance scans.

### B. USPS Action

- Note to RSS Clerk:**
1. Home screen > Mailing/Shipping > More
  2. Select Shipment Confirm
  3. Scan or enter the barcode/label number from PS Form 5630
  4. Confirm the volume count message by selecting Yes or No
  5. Select Pay and End Visit to complete transaction

**USPS EMPLOYEE:** Please scan upon pickup or receipt of mail.  
 Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0048 8327 30





Confirmation Services Certification

**COMPANY INFORMATION**

|  |  |
|--|--|
| Company Name<br><b>City of Fargo</b>   | Address (Number, street, suite no., city, state, and ZIP Code™)<br><b>225 4th St N<br/>                 Fargo ND 58102</b> |
| Mailer Identification (MID)* *MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9. |  |

**ELECTRONIC FILE**

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for: Confirmation Services and Electronic Verification System (eVS) Mailers*.

|                           |             |
|---------------------------|-------------|
| Authorized NCSC Signature | Date Signed |
|---------------------------|-------------|

**BARCODED LABELS**

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

|                           |             |
|---------------------------|-------------|
| Authorized NCSC Signature | Date Signed |
|---------------------------|-------------|

**INSTRUCTIONS FOR MAILER**

Keep the original of this form in a safe place and provide a copy to your local USPS® facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000048832730

Confirmation Services Electronic File Number

|         |     |                   |               |               |             |
|---------|-----|-------------------|---------------|---------------|-------------|
| **92/93 | 750 | 901193562         | 00004883273   | 0             |             |
| AI      | STC | Mailer ID         | Serial Number | Check Digit   |             |
| 94      |     |                   |               |               |             |
| AI      | STC | Source Identifier | Mailer ID     | Serial Number | Check Digit |

\*\*91 can be used if approved for exception.

**INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE**

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

1. Horizontal bars above and below the barcode.
2. Human-readable numbers below the barcode.
3. Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
4. For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS USPS TRACKING", and "USPS TRACKING e-VS."

|                               |   |
|-------------------------------|---|
| Date and Time of Verification | Date and Time of Mailing (if different from date of verification) |
|-------------------------------|---|

City of Fargo  
225 4th St N  
Fargo ND 58102

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USPS CERTIFIED MAIL



9214 8901 9403 8340 3575 07

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LORI JILL EVELAND  
1449 4TH AVE S  
FARGO ND 58103-1635





# INSPECTIONS

INSPECTIONS DEPARTMENT  
Fargo City Hall  
225 Fourth Street North  
Fargo, ND 58102  
Phone: 701.241.1561 | Fax: 701.476.6779  
FargoND.gov

## NOTICE OF UNSAFE STRUCTURE

TO: Lori Jill Eveland  
1449 4 Ave S

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 31-01 concerning Unsafe Structure.
2. That the building with which this Notice is concerned is commonly known as 1449 4 Ave S, and is located on that tract of land in the city of Fargo, more particularly described as follows:

**Case, Peake, and Hall Addition, Block 1, Lot W 36.6 Ft of S 110Ft of 2**  
(hereinafter referred to as "the building")

3. That an inspection was made of the building on 8/18/23 by Bill Thompson , Building Inspector of the City of Fargo and on 8/23/22 (Warrant Inspection) by Greg Conlin , Code Enforcement Inspector of the City of Fargo
4. That the building inspector for the City of Fargo has found the building, consisting of a story and one half, wood-framed structure to be an unsafe structure within the standards set forth in the International Property Maintenance Code, Section 111.1.1 concerning unsafe structures.
5. This building has been found to be an unsafe structure by the building inspector. This notice must remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Fargo Mun. Code §21-0404.
6. That the owner of the building must fix all deficient items within **60 days** from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.
7. That the building is unsafe and is a substandard building in the following respects: See 'Conditions Found Statement' below.
8. The building is unsafe under the International Property Maintenance Code as adopted by Article 31-01 of the Fargo Municipal Code.

9. You are further given notice that unless the violations are corrected within the time period set forth herein, the City of Fargo will take such steps as are necessary to cause said building to be designated a Dangerous Building pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and the International Property Maintenance Code section 111.1.5. At such time the City of Fargo will pursue the demolition of the structure and the owner will be assessed such costs as are provided for therein.

10. **Order for vacation of building.** The undersigned building official has determined that the building or structure must be vacated as required by Section 111.8 of the International Property Maintenance Code, 2021 edition. Therefore, it is hereby ORDERED that the building or structure shall be vacated immediately, and remain vacated, on this 30 day of November, 2023.

11. Order to secure building by 12/07/2023. The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ORDERED that all means of entering the building remain secured to prevent unauthorized entrance. An inspector will continue to verify compliance. Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. Application for Appeal. Section 107 of the 2021 International Property Maintenance Code states that any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 30 day of November, 2023.

Conditions Found Statement

On 8/18/23, Building Inspector Bill Thompson, was present at 1449 4 Ave S, Fargo, ND to address a complaint inspection. The following violations were found:

- Per Excel energy, the electrical meter socket has been tampered with and damaged
- Exterior junk
- Attic window is missing
- North entry door has been damaged and will not seal or operate as designed
- Exterior weather barrier around porch wall opening and damaged entry door

Per 8/23/22 Warrant Inspection:

- Dining and bedroom ceilings have been removed without a permit
- Kitchen flooring has been removed leaving raw plywood
- Unpermitted electrical work
- Multiple areas of exposed wiring on dismantled fixtures and open junction boxes
- Holes and peeling paint on interior walls
- Plastic dryer vent
- Exposed areas of foundation have large cracks
- Damage to original north entry where Swat forced entry

The following action must be taken:

- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.



---

Dillon Rieman  
Building Inspector



---

Shawn Ouradnik  
Inspections Director



---

Date Signed

PAGE: 1 of 4      NOTIC      1705899  
City of Fargo      2/2/2024 9:43 AM  
Recorded Electronically      \$20.00

RECORDER'S OFFICE, CASS COUNTY, ND      2/2/2024 9:43 AM  
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.  
DEBORAH A. MOELLER, COUNTY RECORDER

by Sheva Garcia, Dep      1705899  
Recorded Electronically



INSPECTIONS

INSPECTIONS DEPARTMENT  
Fargo City Hall  
225 Fourth Street North  
Fargo, ND 58102  
Phone: 701.241.1561 | Fax: 701.476.6779  
FargoND.gov

**NOTICE OF UNSAFE STRUCTURE**

TO: Lori Jill Eveland  
1449 4 Ave S

YOU ARE HEREBY Given Notice of the following:

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The following action must be taken:

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- Demolish the structure within the deadline provided in this notice.

*Dillon Rieman*

Dillon Rieman  
Building Inspector, City of Fargo

*[Signature]*

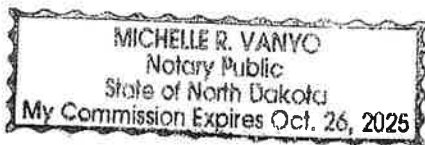
Shawn Ouradnik  
Inspections Director, City of Fargo

*11/30/2023*

Date Signed

Subscribed and sworn to before me on this 2 day of February, 2024

Seal



*Michelle R Vanyo*

Notary Public  
Cass County, North Dakota

*Michelle R Vanyo*

PROOF OF ACCEPTANCE  
(ELECTRONIC)

PRODUCED DATE: 12/02/2023

CITY OF FARGO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8340 3575 07

Our records indicate that this item was accepted by the USPS at:

ARRIVAL AT UNIT FARGO,ND 58103 12/02/2023

ORIGINAL INTENDED RECIPIENT:

LORI JILL EVELAND

1449 4TH AVE S

FARGO ND 58103-1635





Mailer: City of Fargo

Date Produced: 12/29/2023

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8340 3575 07. Our records indicate that this item was delivered on 12/28/2023 at 10:09 a.m. in FARGO, ND 58102. The scanned image of the recipient information is provided below.

Signature of Recipient :

*Tom Schlot*  
*Kevin Velkath*

Address of Recipient :

*225 451*

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

Sincerely,  
United States Postal Service

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

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

LORI JILL EVELAND  
1449 4TH AVE S  
FARGO ND 58103-1635

Customer Reference Number: C4634623.27805062

Mailer: City of Fargo

Date Produced: 06/17/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8365 2816 96. Our records indicate that this item was delivered on 06/14/2024 at 08:41 a.m. in FARGO, ND 58125. The scanned image of the recipient information is provided below.

Signature of Recipient :

| Delivery Section |  |
|------------------|--|
| Signature        | <b>X</b>   |
| Printed Name     | <b>US BANK SERVICE CENTER<br/>4325 17TH AVE SW<br/>Dené Hidjanovic</b> |

Address of Recipient :

|                  |                        |
|------------------|------------------------|
| Delivery Address | <b>Dené Hidjanovic</b> |
|------------------|------------------------|

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

Sincerely,  
United States Postal Service

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

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

U S BANK NATIONAL ASSOCIATION ND  
4325 17TH AVE S  
FARGO ND 58125-6200

Customer Reference Number: C5085161.30634554

Search Fargo



Email Request



Request Type

Request Type

Public Access Request

Description

For the past few days, I have been receiving a lot of spam emails from various sources. I would like to request that you help me identify the source of these emails and take appropriate action to stop them.

Attachments (1)



PublicAccessRequest202308...

Address of Request

1500 1st Ave S, Fargo, ND 58103-4178

Service Request Contact

Name: [Redacted]

Email: [Redacted]

Phone: [Redacted]

Foreign Associations

Add Foreign Association

[Redacted]



My Department

ports + Request

Search Fargo

Email Request

tails



Request Type

Sign removal on streets and sidewalks

Attachments (0)

Priority

None

Description

Request to remove signs from 1000 1st St NW on the sidewalk... signs are on the sidewalk and are obstructing the sidewalk... signs are on the sidewalk and are obstructing the sidewalk...

Date Responded

Jan 30, 2018, 7:00 AM

Date Completed

Feb 1, 2018, 3:21 PM

Address of Request

1000 1st Ave N Fargo ND 58102-1000

Custom Fields

Requesting sign removal for a street or sidewalk?

Sidewalk

What is your phone number?

701-755-4207

Service Request Contact

Name: Brian

Email: brian@fargo.gov

Phone: 701-755-4207

Foreign Associations

Integration Foreign to

Work Order



**Shawn Ouradnik**

---

**From:** Christine Rose  
**Sent:** Friday, August 18, 2023 1:47 PM  
**To:** Bill Thompson; Greg Conlin; Michelle Lemar  
**Subject:** FW: 1449 4th Ave S - Mortgage Info

FYI

Chris – Inspections Department  
Customers first | Professional service | Safety always

**From:** Alissa Farol <afarol@serklandlaw.com>  
**Sent:** Friday, August 18, 2023 1:46 PM  
**To:** Christine Rose <CRose@FargoND.gov>  
**Subject:** 1449 4th Ave S - Mortgage Info

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

Hi Chris,

The property owner, Lori J. Eveland, still has a mortgage with U.S. Bank from what I could find. The mortgage is dated 07/28/2009 and was for the amount of \$76,000.00 at that time. Here is the bank's contact info from the recording document:

U.S. Bank National Association ND,  
A national banking association organized under the laws of the United States  
4325 17<sup>th</sup> Avenue Southwest  
Fargo, ND 58103

If you need any other information, please let me know.

Thanks,

Alissa

*Alissa R. Farol*

**Assistant City Attorney – Fargo, ND**  
**SERKLAND LAW FIRM**

10 Roberts St. N. | P.O. Box 6017

Fargo, ND 58108-6017

P: 701.232.8957

F: 701.237.4049

[www.serklandlaw.com](http://www.serklandlaw.com)

[afarol@serklandlaw.com](mailto:afarol@serklandlaw.com)



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**Shawn Ouradnik**

---

**From:** Zach Nesbit <zach@hwmlawfirm.com>  
**Sent:** Tuesday, June 4, 2024 10:00 AM  
**To:** Nancy Morris; Tyler Wirick  
**Cc:** Shawn Ouradnik; Alissa Farol; Attach  
**Subject:** RE: US Bank v. Eveland- 09-2024-CV-01097; File: ND10289

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

Hello,

Thank you for your email. These types of situations are difficult for my client to address. As you noted, the plaintiff is still in the complaint stage and as a lien holder, cannot simply order repairs to the property without working with the owner of the property. Unfortunately, often the owners are also unresponsive to any attempt to address the situation. That being said, I will raise this issue with my client and see what can reasonably be done to attempt to address this issue.

Zachary Nesbit\*  
Attorney at Law  
Utah, South Dakota, North Dakota  
376 East 400 South, Suite 300  
Salt Lake City, Utah 84111  
Direct: 801-990-3736  
[www.hwmlawfirm.com](http://www.hwmlawfirm.com)  
\*Licensed in Utah, South Dakota, North Dakota



Alabama | Alaska | Colorado | Idaho | Georgia | Louisiana | Minnesota | Mississippi | Montana | Nebraska | North Dakota | South Dakota | Utah | Wyoming

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Pursuant to the Fair Debt Collections Practices Act, you are advised that Halliday, Watkins & Mann, P.C. may be deemed to be a debt collector attempting to collect a debt and any information will be used for that purpose.

**From:** Nancy Morris <nmorris@serklandlaw.com>  
**Sent:** Tuesday, June 4, 2024 7:49 AM  
**To:** Tyler Wirick <TylerW@hwmlawfirm.com>; Zach Nesbit <zach@hwmlawfirm.com>

Cc: Shawn Ouradnik <SOuradnik@FargoND.gov>; Alissa Farol <afarol@serklandlaw.com>

Subject: US Bank v. Eveland- 09-2024-CV-01097

Good afternoon,

I am writing in response to the service of the Amended Summons and Complaint naming the city of Fargo as a defendant. As you know, this property has been posted as an unsafe structure, and the property owner was directed to make certain repairs in a timely manner. Unfortunately that has not happened. As in other matters in which you are involved, the city of Fargo Inspections Department intends to present this dangerous building to the City Commission for hearing on June 24, 2024. The building inspector will provide notice to the owner and others, and seek an order from the City Commission to repair or demolish the property, as appropriate. As with other properties in foreclosure, if reasonable progress is made toward remedying the defects making this a dangerous structure, the building inspector will advise the City Commission and continue to work with the owner to restore the property, to the extent possible. Please feel free to reach out to Shawn Ouradnik directly to make arrangements for the repair and/or demolition of the property, as appropriate.

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

Regards,

Nancy

*Nancy J. Morris*  
**City Attorney- Fargo, ND**  
**SERKLAND LAW FIRM**  
10 Roberts St. N.  
Fargo, ND 58102  
Phone: (701) 232-8957  
Fax: (701) 237-4049  
[www.serklandlaw.com](http://www.serklandlaw.com)  
[nmorris@serklandlaw.com](mailto:nmorris@serklandlaw.com)



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**Shawn Ouradnik**

---

**From:** Zach Nesbit <zach@hwmlawfirm.com>  
**Sent:** Tuesday, June 4, 2024 10:14 AM  
**To:** Shawn Ouradnik  
**Cc:** Tyler Wirick; Attach  
**Subject:** RE: US Bank v. Eveland- 09-2024-CV-01097; File: ND10289

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Hello Shawn,

With regards to this property, can you please time me what repairs are necessary to address issue? I'd like to gather as much information as possible, so I can let my client know what is happening and what needs to be done.

Zachary Nesbit\*  
Attorney at Law  
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Alabama | Alaska | Colorado | Idaho | Georgia | Louisiana | Minnesota | Mississippi | Montana | Nebraska | North Dakota | South Dakota | Utah | Wyoming

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[www.serklandlaw.com](http://www.serklandlaw.com)  
[nmorris@serklandlaw.com](mailto:nmorris@serklandlaw.com)



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**Shawn Ouradnik**

---

**From:** Shawn Ouradnik  
**Sent:** Tuesday, June 4, 2024 10:25 AM  
**To:** 'Zach Nesbit'  
**Cc:** Tyler Wirick; Attach; Nancy Morris; Alissa Farol  
**Subject:** RE: US Bank v. Eveland- 09-2024-CV-01097; File: ND10289  
**Attachments:** 1449 Unsafe Structure.pdf

Zach,

Here is the unsafe structure notice that has been posted on the property. The "Conditions Found" statement on pages 3-4 has the deficiencies noted at time of inspection but there may be additional defects. The electrical power and water have been turned off as far as we can tell.

Please let me know if there is any additional information you need.

Shawn Ouradnik  
*Inspections Director*  
*City of Fargo, Inspections Division*  
D 701.476.4147  
F 701.476.6779  
SOuradnik@FargoND.gov

City of Fargo  
225 4th Street North  
Fargo, ND 58102



**From:** Zach Nesbit <zach@hwmlawfirm.com>  
**Sent:** Tuesday, June 4, 2024 10:14 AM  
**To:** Shawn Ouradnik <SOuradnik@FargoND.gov>  
**Cc:** Tyler Wirick <TylerW@hwmlawfirm.com>; Attach <attach@hwmlawfirm.com>  
**Subject:** RE: US Bank v. Eveland- 09-2024-CV-01097; File: ND10289

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Hello Shawn,



With regards to this property, can you please time me what repairs are necessary to address issue? I'd like to gather as much information as possible, so I can let my client know what is happening and what needs to be done.

Zachary Nesbit\*  
Attorney at Law  
Utah, South Dakota, North Dakota  
376 East 400 South, Suite 300  
Salt Lake City, Utah 84111  
Direct: 801-990-3736  
[www.hwmlawfirm.com](http://www.hwmlawfirm.com)  
\*Licensed in Utah, South Dakota, North Dakota



Alabama | Alaska | Colorado | Idaho | Georgia | Louisiana | Minnesota | Mississippi | Montana | Nebraska | North Dakota | South Dakota | Utah | Wyoming

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**From:** Nancy Morris <[nmorris@serklandlaw.com](mailto:nmorris@serklandlaw.com)>  
**Sent:** Tuesday, June 4, 2024 7:49 AM  
**To:** Tyler Wirick <[TylerW@hwmlawfirm.com](mailto:TylerW@hwmlawfirm.com)>; Zach Nesbit <[zach@hwmlawfirm.com](mailto:zach@hwmlawfirm.com)>  
**Cc:** Shawn Ouradnik <[SOuradnik@FargoND.gov](mailto:SOuradnik@FargoND.gov)>; Alissa Farol <[afarol@serklandlaw.com](mailto:afarol@serklandlaw.com)>  
**Subject:** US Bank v. Eveland- 09-2024-CV-01097

Good afternoon,

I am writing in response to the service of the Amended Summons and Complaint naming the city of Fargo as a defendant. As you know, this property has been posted as an unsafe structure, and the property owner was directed to make certain repairs in a timely manner. Unfortunately that has not happened. As in other matters in which you are involved, the city of Fargo Inspections Department intends to present this dangerous building to the City Commission for hearing on June 24, 2024. The building inspector will provide notice to the owner and others, and seek an order from the City Commission to repair or demolish the property, as appropriate. As with other properties in foreclosure, if reasonable progress is made toward remedying the defects making this a dangerous structure, the building inspector will advise the City Commission and continue to work with the owner to restore the property, to the extent possible. Please feel free to reach out to Shawn Ouradnik directly to make arrangements for the repair and/or demolition of the property, as appropriate.

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

Regards,

Nancy

*Nancy J. Morris*

**City Attorney- Fargo, ND**

**SERKLAND LAW FIRM**

10 Roberts St. N.

Fargo, ND 58102

Phone: (701) 232-8957

Fax: (701) 237-4049

[www.serklandlaw.com](http://www.serklandlaw.com)

[nmorris@serklandlaw.com](mailto:nmorris@serklandlaw.com)



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## INSPECTIONS

**INSPECTIONS DEPARTMENT**  
Fargo City Hall  
225 Fourth Street North  
Fargo, ND 58102  
Phone: 701.241.1561 | Fax: 701.476.6779  
FargoND.gov

### NOTICE OF UNSAFE STRUCTURE

TO: Lori Jill Eveland  
1449 4 Ave S

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 31-01 concerning Unsafe Structure.
2. That the building with which this Notice is concerned is commonly known as 1449 4 Ave S, and is located on that tract of land in the city of Fargo, more particularly described as follows:

**Case, Peake, and Hall Addition, Block 1, W 36.6 Ft of S 110Ft of Lot 2**  
(hereinafter referred to as "the building")

3. That an inspection was made of the building on 8/18/23 by Bill Thompson , Building Inspector of the City of Fargo and on 8/23/22 (Warrant Inspection) by Greg Conlin , Code Enforcement Inspector of the City of Fargo
4. That the building inspector for the City of Fargo has found the building, consisting of a story and one half, wood-framed structure to be an unsafe structure within the standards set forth in the International Property Maintenance Code, Section 111.1.1 concerning unsafe structures.

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

6. That the owner of the building must fix all deficient items within **60 days** from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.

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

8. The building is unsafe under the International Property Maintenance Code as adopted by Article 31-01 of the Fargo Municipal Code.

9. You are further given notice that unless the violations are corrected within the time period set forth herein, the City of Fargo will take such steps as are necessary to cause said building to be designated a Dangerous Building pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and the International Property Maintenance Code section 111.1.5. At such time the City of Fargo will pursue the demolition of the structure and the owner will be assessed such costs as are provided for therein.

10. **Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 111.8 of the International Property Maintenance Code, 2021 edition. Therefore, it is hereby ORDERED that the building or structure shall be vacated immediately, and remain vacated, on this 30 day of November, 2023.**

11. **Order to secure building by 12/07/2023.** The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ORDERED that all means of entering the building remain secured to prevent unauthorized entrance. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. Application for Appeal. Section 107 of the 2021 International Property Maintenance Code states that any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals,

provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 30 day of November, 2023.

### Conditions Found Statement

On 8/18/23, Building Inspector Bill Thompson, was present at 1449 4 Ave S, Fargo, ND to address a complaint inspection. The following violations were found:

- Per Excel energy, the electrical meter socket has been tampered with and damaged
- Exterior junk
- Attic window is missing
- North entry door has been damaged and will not seal or operate as designed
- Exterior weather barrier around porch wall opening and damaged entry door

Per 8/23/22 Warrant Inspection:

- Dining and bedroom ceilings have been removed without a permit
- Kitchen flooring has been removed leaving raw plywood



- Unpermitted electrical work
- Multiple areas of exposed wiring on dismantled fixtures and open junction boxes
- Holes and peeling paint on interior walls
- Plastic dryer vent
- Exposed areas of foundation have large cracks
- Damage to original north entry where Swat forced entry

The following action must be taken:

- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.

*Dillon Rieman*

Dillon Rieman  
Building Inspector, City of Fargo

*S.*

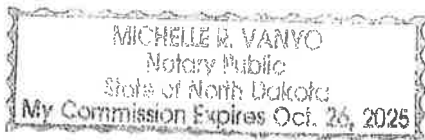
Shawn Ouradnik  
Inspections Director, City of Fargo

*11/30/2023*

Date Signed

Subscribed and sworn to before me on this 2 day of February, 2024

Seal



*Michelle R Vanvo*

Notary Public  
Cass County, North Dakota

*Michelle R Vanvo*

**Shawn Ouradnik**

---

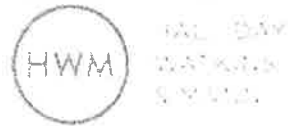
**From:** Zach Nesbit <zach@hwmlawfirm.com>  
**Sent:** Tuesday, June 4, 2024 10:00 AM  
**To:** Nancy Morris; Tyler Wirick  
**Cc:** Shawn Ouradnik; Alissa Farol; Attach  
**Subject:** RE: US Bank v. Eveland- 09-2024-CV-01097; File: ND10289

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Hello,

Thank you for your email. These types of situations are difficult for my client to address. As you noted, the plaintiff is still in the complaint stage and as a lien holder, cannot simply order repairs to the property without working with the owner of the property. Unfortunately, often the owners are also unresponsive to any attempt to address the situation. That being said, I will raise this issue with my client and see what can reasonably be done to attempt to address this issue.

Zachary Nesbit\*  
Attorney at Law  
Utah, South Dakota, North Dakota  
376 East 400 South, Suite 300  
Salt Lake City, Utah 84111  
Direct: 801-990-3736  
[www.hwmlawfirm.com](http://www.hwmlawfirm.com)  
\*Licensed in Utah, South Dakota, North Dakota



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

Regards,

Nancy

*Nancy J. Morris*  
**City Attorney- Fargo, ND**  
**SERKLAND LAW FIRM**  
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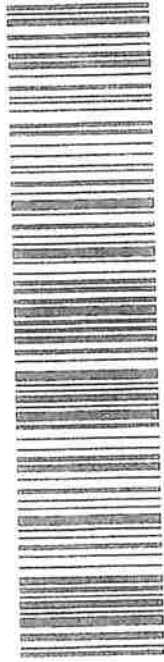


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LS  
12-2-23

City of Fargo  
225 4th St N  
Fargo ND 58102

LORI JILL EVELAND  
1449 4TH AVE S  
FARGO ND 58103-1635

POSTAGE WILL BE PAID BY ADDRESSEE  
FIRST CLASS PERMIT NO. 1000 FARGO ND  
NO POSTAGE  
NECESSARY  
IF MAILED  
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UNITED STATES

City of Fargo  
225 4th St N  
Fargo ND 58102

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USPS CERTIFIED MAIL



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LORI JILL EVELAND  
1449 4TH AVE S  
FARGO ND 58103-1635





## INSPECTIONS

INSPECTIONS DEPARTMENT  
Fargo City Hall  
225 Fourth Street North  
Fargo, ND 58102  
Phone: 701.241.1561 | Fax: 701.476.6779  
FargoND.gov

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(hereinafter referred to as "the building")

3. That an inspection was made of the building on 8/18/23 by Bill Thompson , Building Inspector of the City of Fargo and on 8/23/22 (Warrant Inspection) by Greg Conlin , Code Enforcement Inspector of the City of Fargo

4. That the building inspector for the City of Fargo has found the building, consisting of a story and one half, wood-framed structure to be an unsafe structure within the standards set forth in the International Property Maintenance Code, Section 111.1.1 concerning unsafe structures.

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Dated this 30 day of November, 2023.

Conditions Found Statement

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- Plastic dryer vent
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- Damage to original north entry where Swat forced entry

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- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.

*Dillon Rieman*

\_\_\_\_\_  
Dillon Rieman  
Building Inspector

*d.*

\_\_\_\_\_  
Shawn Ouradnik  
Inspections Director

*11/30/2023*

\_\_\_\_\_  
Date Signed

To ~~Page 219~~ hompson@fargoND.gov

12/27/23

I, Lori Eveland give my permission to my partner Elliot Giroux to show my home this A.M. if possible or in the future as well. I also authorize him to remove his and my possessions from the home.

Sincerely Lori J Eveland

My home is  
1449 4th Ave So  
Fargo, ND 58103

**HALLIDAY, WATKINS & MANN, P.C.**

ATTORNEYS AT LAW

801-355-2886

SUITE 300

376 EAST 400 SOUTH

SALT LAKE CITY, UTAH 84111



quadrant

FIRST-CLASS MAIL  
IMI

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POSTAGE WILL BE PAID BY ADDRESSEE  
PERMIT NO. 5786 SALT LAKE CITY, UT 84111

POSTAGE

5910284917 CBS



City of Fargo, North Dakota, a Municipal Corporation  
c/o City Commissioner (serve any Commissioner),  
225 4th Street North  
Fargo, ND 58102



**IN THE STATE OF NORTH DAKOTA, COUNTY OF CASS  
IN THE DISTRICT COURT, EAST CENTRAL JUDICIAL DISTRICT**

---

U.S. Bank National Association,

**Plaintiff,**

v.

Lori Jill Eveland a/k/a Lori J. Eveland and  
A.A.A. Collections, Inc. and Midland  
Funding LLC and Portfolio Recovery  
Associates, L.L.C. and Midcontinent  
Communications, a South Dakota  
partnership and State of North Dakota and  
City of Fargo, North Dakota, a Municipal  
Corporation, and any person in possession,

**Defendants.**

**AMENDED SUMMONS**

CIVIL NUMBER: 09-2024-CV-01097

---

**THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANTS:**

1. To the above-mentioned Defendants including all persons unknown, claiming any estate or interest in, or lien or encumbrance upon, the real estate described in the complaint.
2. You are hereby summoned and required to appear and defend against the Complaint in this action, which is herewith served upon you, by serving upon the undersigned a copy of an Answer or other proper response within twenty-one (21) days after the service of this Summons upon you, exclusive of the day of service.
3. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the Complaint.
4. This Summons and Complaint will be filed with the Clerk of this Court.
5. This action relates to the foreclosure of a mortgage upon the following described real property in the County of Cass, State of North Dakota:

West 36 point 6 feet of South 110 feet of Lot 2 Block 1 of Case, Peake & Halls Addition,

City of Fargo, County of Cass, State of North Dakota.

NOW DESCRIBED AS FOLLOWS IN ACCORDANCE WITH THAT AFFIDAVIT OF CORRECTION RECORDED ON MAY 13, 2020, AS DOCUMENT NO. 1590338, RECORDS OF CASS COUNTY, NORTH DAKOTA:

The West 36.6 feet of the South 110 feet of Lot 2, in Block 1, of Case, Peake & Hall's Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

Property Address: 1449 4th Street S, a/k/a 1449 4th Avenue S, Fargo, ND 58103

6. The Plaintiff is not seeking a personal judgment against the above-named Defendants.

Dated this 14th day of May 2024

/s/ Tyler S. Wirick  
Tyler S. Wirick  
376 East 400 South, Suite 300  
Salt Lake City, UT 84111  
Tel: 801-355-2886  
Email: tylerw@hwmnlawfirm.com  
Bar Number: 10014  
HWM: ND10289

**IN THE STATE OF NORTH DAKOTA, COUNTY OF CASS  
IN THE DISTRICT COURT, EAST CENTRAL JUDICIAL DISTRICT**

U.S. Bank National Association,

**Plaintiff,**

**v.**

Lori Jill Eveland a/k/a Lori J. Eveland and A.A.A. Collections, Inc. and Midland Funding LLC and Portfolio Recovery Associates, L.L.C. and Midcontinent Communications, a South Dakota partnership and State of North Dakota and City of Fargo, North Dakota, a Municipal Corporation, and any person in possession,

**Defendants.**

**AMENDED COMPLAINT FOR  
JUDICIAL FORECLOSURE**

CIVIL NUMBER: 09-2024-CV-01097

1. Plaintiff, by and through its attorney of record, Tyler S. Wirick of Halliday, Watkins & Mann, P.C., files this Amended Complaint for Judicial Foreclosure and alleges as follows:

2. On or about July 28, 2009, Defendant, Lori Jill Eveland executed and delivered to U.S. Bank National Association ND, a promissory note in the original principal amount of \$76,000.00 (the "Note"). A copy of the Note is attached as Exhibit "A" and made a part hereof.

3. To secure payment of the Note, Defendant, Lori Jill Eveland, as the mortgagor, executed and delivered to U.S. Bank National Association ND, as the mortgagee, a mortgage bearing the same date as the Note (the "Mortgage") encumbering real property situated in Cass County, North Dakota (the "Property"). The Property has an address of 1449 4th Street S, a/k/a 1449 4th Avenue S, Fargo, ND 58103, and is more particularly described as follows:

West 36 point 6 feet of South 110 feet of Lot 2 Block 1 of Case, Peake & Halls Addition, City of Fargo, County of Cass, State of North Dakota.

NOW DESCRIBED AS FOLLOWS IN ACCORDANCE WITH THAT AFFIDAVIT OF CORRECTION RECORDED ON MAY 13, 2020, AS DOCUMENT NO. 1590338, RECORDS



OF CASS COUNTY, NORTH DAKOTA:

The West 36.6 feet of the South 110 feet of Lot 2, in Block 1, of Case, Peake & Hall's Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

4. Plaintiff is the current holder of the Note and beneficial interest under the Mortgage. The Mortgage and any assignments and/or modifications were filed/recorded in the Office of the County Clerk/Recorder of Cass County, North Dakota as follows: Mortgage recorded on August 25, 2009, as Instrument No. 1274462. A copy of the Mortgage and any assignments and/or modifications referenced above are attached as Exhibit "B" and made a part hereof.

5. A copy of the title report (including any updates) relied upon and used in the preparation of this complaint is attached hereto as Exhibit "C" and made a part thereof. The estates, liens, encumbrances and other claims or interests of Defendants include, but are not limited to, those disclosed by said report.

6. The Note and Mortgage, among other things, require the mortgagor to pay monthly payments of principal and interest, property taxes and assessments, insurance premiums and late charges. The Note and Mortgage also contain a power of sale, the right to accelerate the amounts secured by the Note and Mortgage and the right to foreclose on the Property after default, and for the collection of all amounts owing and/or advanced under the Note and Mortgage as well as the costs and expenses of foreclosure and any sums reasonably expended by Plaintiff for the protection and preservation of the Property not otherwise prohibited by the laws of North Dakota.

7. The Property is not agricultural land, so the redemption period is 60 days from the date of the sheriff's sale.

8. Defendant, Lori Jill Eveland has failed to remit one or more monthly payments required by the Note and Mortgage and are in default thereunder.

9. The notice before foreclosure as required by N.D.C.C. §32-19-20 was served upon the title owner of record of the Property, Defendant, Lori J. Eveland a/k/a Lori Jill Eveland, on December 1, 2023. A copy of the notice and return of service are attached as Exhibit “D” and made a part hereof.

10. Plaintiff has elected to accelerate the payments due under the Note and Mortgage and does hereby declare the entire unpaid principal balance and interest, as well as any advances for real estate taxes, assessments and insurance premiums, late charges and other charges, costs and expenses to be immediately due and payable as follows:

|                               |             |
|-------------------------------|-------------|
| Principal                     | \$64,563.56 |
| Interest through May 07, 2024 | \$9,309.19  |
| Late Charges                  | \$105.45    |
| Corporate Advance Balance     | \$946.26    |
| Attorney Fees & Costs         | \$1,246.86  |
| Grand Total                   | \$76,171.32 |

11. There is also due interest accruing hereafter on the unpaid principal balance until paid at the rate of \$7.96 per day, plus any additional advances, charges, costs, and expenses incurred through the date of the sheriff’s sale of the Property.

12. No other proceedings at law or otherwise for recovery of the debt secured by the Note and Mortgage are pending.

13. No personal claim is made against any Defendant except for attorney’s fees and other costs incurred by Plaintiff as a result of that Defendants’ unreasonable defense of this action, but only to the extent permitted by the laws of North Dakota.

14. The Property is one parcel and/or a contiguous tract of land and therefore should be sold as one parcel.

15. Any and all claims, liens and interests of Defendants with respect to the Property are junior, inferior and subordinate to the lien of Plaintiff's Mortgage.

WHEREFORE, Plaintiff prays for judgment as follows:

1. That the Court grant a foreclosure judgment for the amounts owing under the Note and Mortgage in the sum of \$76,171.32, plus accruing interest through the date of the sheriff's sale of the Property at the rate of \$7.96 per day.

2. That the judgment amount be further augmented through the date of the sale of the Property by the amount of any additional advances for unpaid property taxes, assessments and insurance premiums, or otherwise advanced for the protection and preservation of the Property, and by the amount of all other charges, costs and expenses incurred by the Plaintiff, plus interest thereon.

3. That Plaintiff's Mortgage is a valid and lawful mortgage lien against the Property, that the estates, liens, encumbrances and other claims or interests of Defendants in and to the Property, and of all persons claiming by, from, through or under the Defendants, are junior, inferior and subordinate to the lien of Plaintiff's Mortgage, and that Plaintiff's Mortgage is in all respects superior and paramount thereto.

4. That a sale of the Property shall be scheduled and held by the Sheriff of Cass County, North Dakota, or by his deputy, and the Property sold at said sale to satisfy the sums owing to Plaintiff, after which the Sheriff shall issue his certificate of sale to the purchaser at the sale and deliver a sheriff's deed to the purchaser upon the expiration or waiving of the redemption period,

all in accordance with the laws of North Dakota.

5. That the Property is one parcel and/or a contiguous tract of land and therefore should be sold as one parcel.

6. That Defendants or their successors shall have a 60-day redemption right in accordance with N.D.C.C. §32-19-18.

7. That following the sale of the Property, the Sheriff shall retain his fees and costs from the sale proceeds, pay to Plaintiff's attorney the remaining proceeds sufficient to pay Plaintiff's judgment amount, as augmented by accruing interest and other amounts as allowed herein, and then deposit any surplus sale proceeds along with his report of the foreclosure proceedings with the Clerk of the Court, all in accordance with the laws of North Dakota.

8. That Plaintiff is not entitled to a deficiency judgment.

9. That possession of the Property shall be delivered to the purchaser(s) after the expiration of the redemption period.

10. That this judgment and decree shall be binding upon Defendants and each person claiming by, from, through or under them after the commencement of this action, upon all interests not appearing of record in the proper office at the time of the commencement of this action, and upon all persons holding an unrecorded conveyance or lien not appearing of record in the proper office at the time of commencement of this action, whether a party to this action or not, in accordance with N.D.C.C. §32-19-09 and §§32-19-39 & 40.

Dated this 14<sup>th</sup> day of May 2024

/s/ Tyler S. Wirick  
Tyler S. Wirick  
Halliday, Watkins & Mann, P.C.  
376 East 400 South, Suite 300  
Salt Lake City, UT 84111  
Tel: 801-355-2886  
Email: tylerw@hwmlawfirm.com  
Bar Number: 10014  
HWM: ND10289



37

| <b>City of Fargo<br/>Staff Report</b> |   |                       |                                    |
|---------------------------------------|---|-----------------------|------------------------------------|
| <b>Title:</b>                         | Selkirk Place Second Addition   | <b>Date:</b>          | 5/30/2024                          |
|                                       |   | <b>Update:</b>        | 6/20/2024                          |
| <b>Location:</b>                      | 6655 Selkirk Drive South  | <b>Staff Contact:</b> | Donald Kress, planning coordinator |
| <b>Legal Description:</b>             | Portion of the North Half of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County North Dakota,.   |                       |                                    |
| <b>Owner(s)/Applicant:</b>            | NICD, LLC./ Jon Youness, EagleRidge Development   | <b>Engineer:</b>      | Bolton & Menk                      |
| <b>Entitlements Requested:</b>        | <p><b>Major Subdivision</b> (plat of a portion of the North Half of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County North Dakota)</p> <p><b>Zone Change</b> (from Zoning Change from AG, Agricultural and GC, General Commercial to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, SR-4, Single-Dwelling Residential, and SR-5, Single Dwelling Residential)</p> |                       |                                    |
| <b>Status:</b>                        | City Commission Public Hearing: June 24, 2024   |                       |                                    |

| <b>Existing</b>   | <b>Proposed</b>   |
|---|---|
| <b>Land Use:</b> Undeveloped  | <b>Land Use:</b> Residential,   |
| <b>Zoning:</b> AG, Agricultural and GC, General Commercial  | <b>Zoning:</b> SR-4, Single Dwelling Residential; SR-5, Single Dwelling Residential; MR-3, Multi-Dwelling Residential with C-O, Conditional Overlay   |
| <p><b>Uses Allowed:</b> <u>AG – Agricultural.</u> Allows detached houses, parks and open space, safety services, basic utilities, and crop production</p> <p><u>GC, General Commercial.</u> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.</p> | <p><b>Uses Allowed:</b></p> <p><u>SR-4, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;</p> <p><u>SR-5, Single Dwelling Residential</u> Allows detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.</p> <p><u>MR-3</u> Allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities. <b>The conditional overlay will regulate accessory buildings and pedestrian connectivity.</b></p> |
| <p><b>Maximum Density Allowed (Residential):</b> AG allows a maximum of 1 dwelling unit per 10 acres.</p> <p><b>Maximum Lot Coverage:</b> GC allows 85%</p>   | <p><b>Maximum Density Allowed:</b> SR-4 allows 12.1 dwelling units per acre; SR-5 allows 14.5 dwelling units per acre; MR-3 allows 24 dwelling units per acre</p>   |

| <b>Proposal:</b>  |
|---|
| <p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> <li>1. A major subdivision, entitled <b>Selkirk Place Second Addition</b>, a plat of a portion of the North Half of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County North Dakota; and</li> </ol> |

2. A zone change Zoning Change from AG, Agricultural and GC, General Commercial to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay; SR-4, Single-Dwelling Residential; and SR-5, Single Dwelling Residential

*OWNERSHIP NOTE: Since the time this project was submitted, the property ownership changed from Earlyne L. Hector to NICD, LLC. This change of ownership does not affect the proposed subdivision or zone change.*

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

**Surrounding Land Uses and Zoning Districts:**

- North: SR-4 and SR-2, Single-Dwelling Residential; platted; mostly undeveloped
- East: County Drain 53; AG—undeveloped;
- South: AG, agricultural
- West: Not zoned--Interstate 29 right of way

**Area Plans:**

The 2007 Growth Plan, South Fargo Tier 1 East, designates the area of this project "residential area—lower to medium density," "residential area—medium to high density" and "proposed park" land uses. Per that plan, the proposed SR-4, SR-5 and MR-3 zonings are consistent with these land use designations.



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

(continued on next page)

**Context:**

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

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

**Parks:** Golden Valley Park (6977 Golden Valley Parkway) is located approximately 0.27 mile southeast of the subject property. This park provides courts for basketball, playgrounds for ages 2-5 and 5-12, picnic table, grill, and a shelter.

**Pedestrian / Bicycle:** There are no off-road bike facilities along 64<sup>th</sup> Avenue South or Interstate 29. See "TRAIL CONNECTIVITY" below.

**Transit/MATBUS:** The subject property is not on a MATBUS route.

**Staff Analysis:**

PLAT AND ZONE CHANGE

The plat will create a total of 48 lots for single-dwelling and multi-dwelling residential development. Lots will be zoned as shown in the chart below.

| BLOCK | LOTS | ZONING        | LAND USE                                       |
|-------|------|---------------|--|
| 1     | 1-14 | SR-4          | Single-Dwelling Residential                    |
| 1     | 15   | MR-3 with C-O | Multi-Dwelling Residential                     |
| 2     | 1-23 | SR-4          | Single-Dwelling Residential                    |
| 3     | 1-9  | SR-4          | Single-Dwelling Residential                    |
| 3     | 10   | SR-5          | Single-Dwelling Residential—attached townhomes |

The existing zoning is AG and GC. The GC zoning dates from 2008, Ordinance No. 4664. There was never any development on the GC-zoned area.

The SR-4 zoned lots range in size from 6,250 square feet to 11,809 square feet. The developer intends these for detached single dwelling residences. All SR-4 zoned lots meet the minimum required lot area of the SR-4 zone of 3,600 square feet.

The SR-5 zoned lot is intended for attached townhomes. This 1.9-acre lot will accommodate a maximum of 27 units.

The MR-3 zoned lot is intended for multi-family development. This 4.96-acre lot will accommodate a maximum of 119 units at 24 dwelling units per acre.

The conditional overlay on the MR-3 zoned lot provides for pedestrian connectivity and limits the size and location of accessory buildings on the lot. A copy of the draft C-O is attached.

**ACCESS:** The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat for the streets shown in the chart below.

| STREET                        | CLASSIFICATION | COMMENT                   |
|-------------------------------|----------------|---------------------------|
| 32 <sup>nd</sup> Street South | Local          | Continues existing street |
| Belding Drive South           | Local          | New street                |
| 33 <sup>rd</sup> Street South | Collector      | Continues existing street |
| 67 <sup>th</sup> Avenue South | Collector      | Continues existing street |

**TRAIL CONNECTIVITY:** Planning, Engineering, and Park District staff are working with the applicant to insure effective trail connectivity. Off-street shared use paths are intended for 67<sup>th</sup> Avenue South and 33<sup>rd</sup> Street South.

**FUTURE PARK:** The applicant continues to work with the Fargo Park District on the development of a

park with trail connectivity in a future phase of development to the south of the current plat. No park dedication appears on this plat. The amenities plan notes this future park requirement.

### **Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural and GC, General Commercial. The proposed zoning of SR-4, SR-5 and MR-3 with a C-O is consistent with the land use designations of this the area as “residential area—lower to medium density,” and “residential area—medium to high density” land uses. **(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. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.” The Growth Plan that applies to this property is the 2007 South Fargo Tier 1 East Growth Plan, part of the 2007 Growth Plan. The property is currently zoned AG, Agricultural and GC, General Commercial. The proposed zoning of SR-4, SR-5 and MR-3 with a C-O is consistent with the land use designations of this the area as “residential area—lower to medium density,” and “residential area—medium to high density” land uses. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

### **Subdivision**

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

**1. Section 20-0907.C.1 (Development Review Procedures—Subdivisions—Major Subdivisions) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**

The proposed zoning designations for the development on this property are SR-4, SR-5, and MR-3 with a C-O. These zones will accommodate the proposed single-dwelling and multi-dwelling development, and are consistent with the “residential area—lower to medium density,” and “residential area—medium to high density” designations for this property in the 2007 South Fargo Tier 1 East Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. **(Criteria Satisfied)**

**2. Section 20-0907.B.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The proposed zoning designations for the development on this property of SR-4, SR-5, and MR-3 with a C-O are consistent with the “residential area—lower to medium density,” and “residential area—medium to high density” designations for this property in the 2007 South Fargo Tier 1 East Growth Plan. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

**(Criteria Satisfied)**

**3. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan has been reviewed by the Public Works Project Evaluation Committee (PWPEC). The City’s standard policy is that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: “To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed: 1) zone change from AG, Agricultural and GC, General Commercial to SR-4, Single-Dwelling Residential, SR-5, Single Dwelling Residential, and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay; and 2) plat of **Selkirk Place Second Addition** major subdivision, as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907 of the LDC, and all other applicable requirements of the LDC.”

**Planning Commission Recommendation: June 4, 2024**

At the June 4<sup>th</sup>, 2024 Planning Commission hearing, that Commission, by a vote of 10-0 with one Commission seat vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed: 1) zone change from AG, Agricultural and GC, General Commercial to SR-4, Single-Dwelling Residential, SR-5, Single Dwelling Residential, and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay; and 2) plat of **Selkirk Place Second Addition** major subdivision, as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907 of the LDC, and all other applicable requirements of the LDC.

**Attachments:**

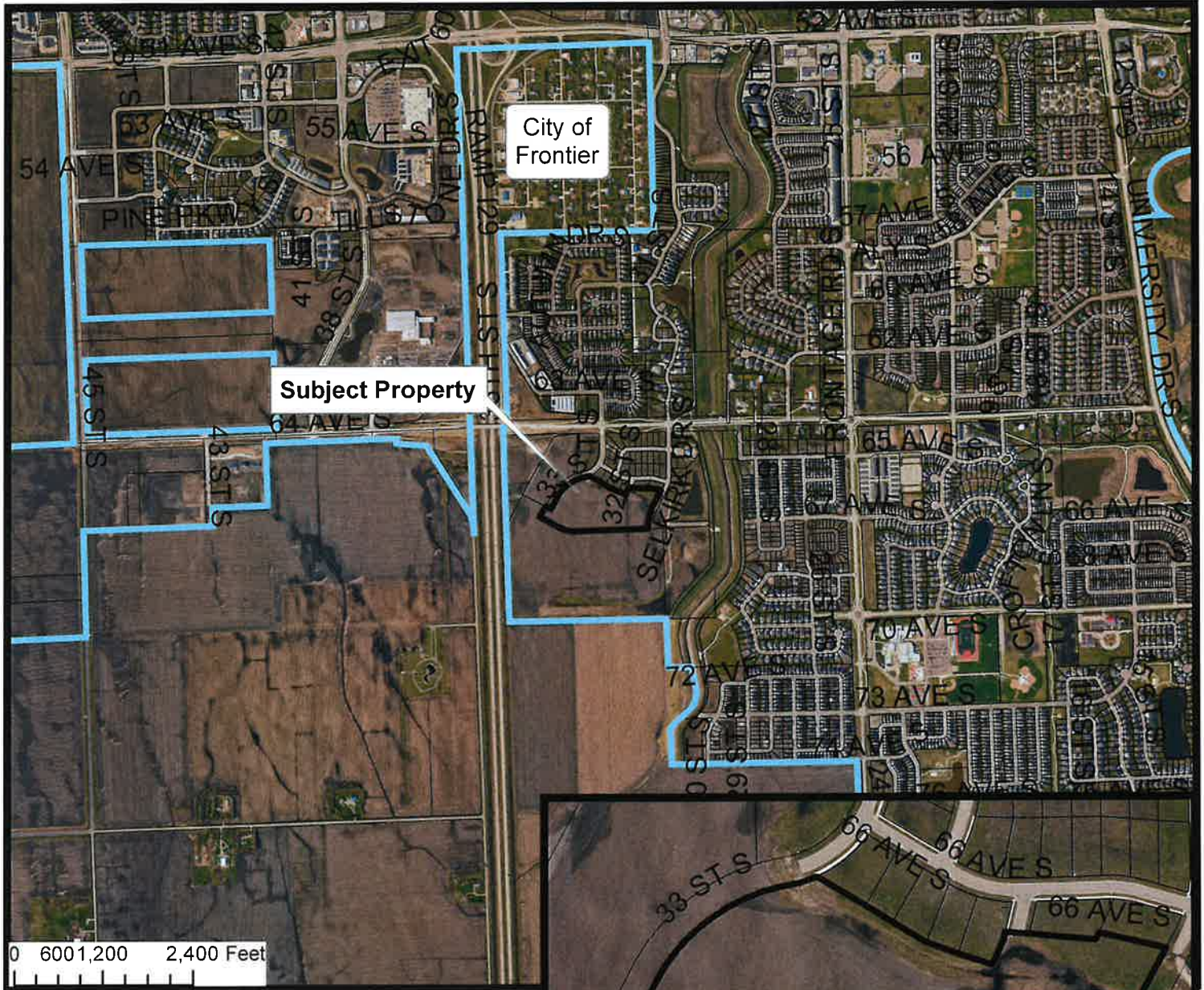
1. Location Map
2. Zoning Map
3. Preliminary Plat
4. Draft Conditional Overlay



# Major Subdivision & Zone Change from GC, General Commercial & AG, Agricultural to SR-4, Single-Family Residential and SR-5, Single-Family Residential and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay

## Selkirk Place Second Addition

6655 Selkirk Drive South



### Legend

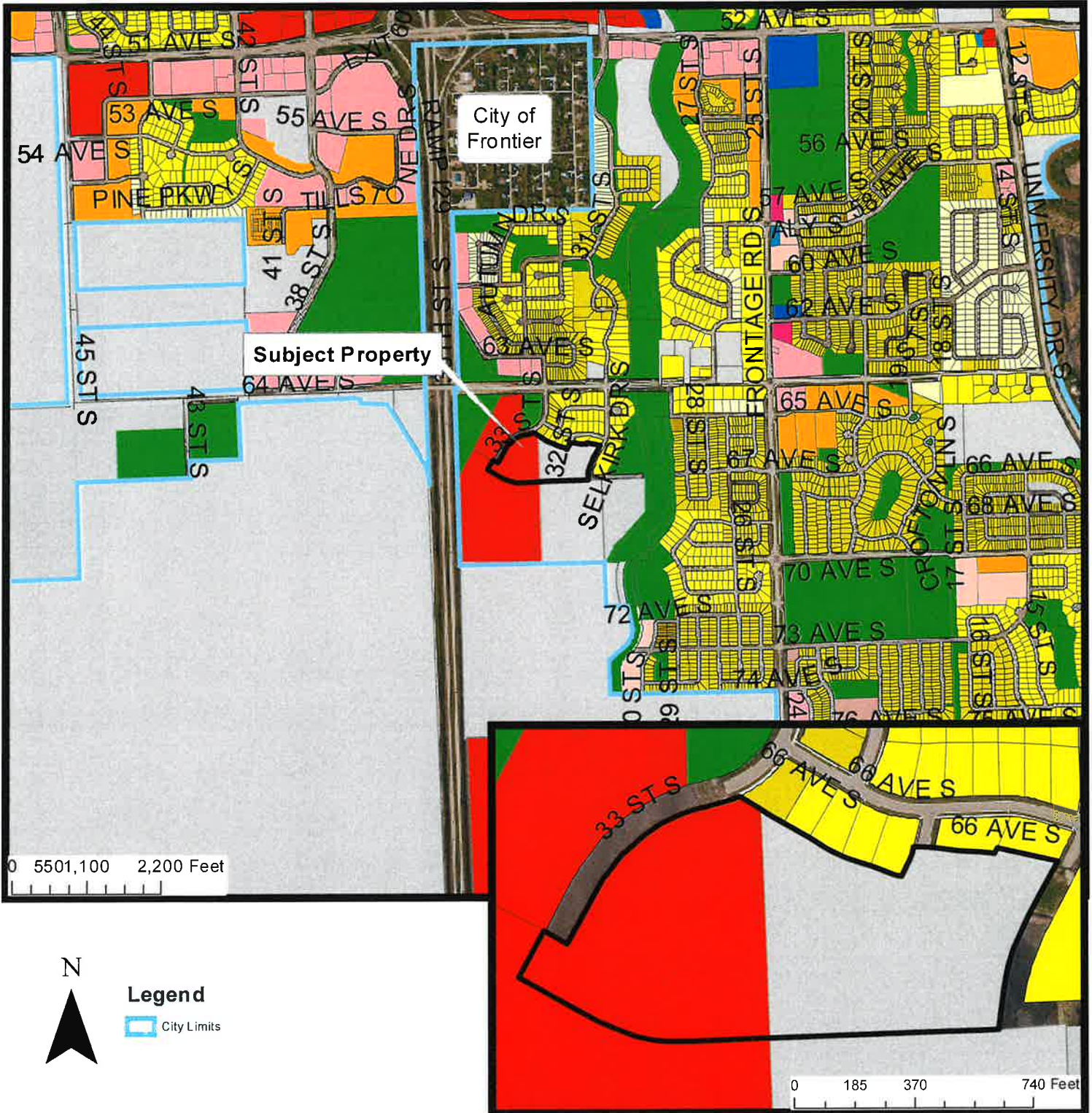
 City Limits



# Major Subdivision & Zone Change from GC, General Commercial & AG, Agricultural to SR-4, Single-Family Residential and SR-5, Single-Family Residential and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay

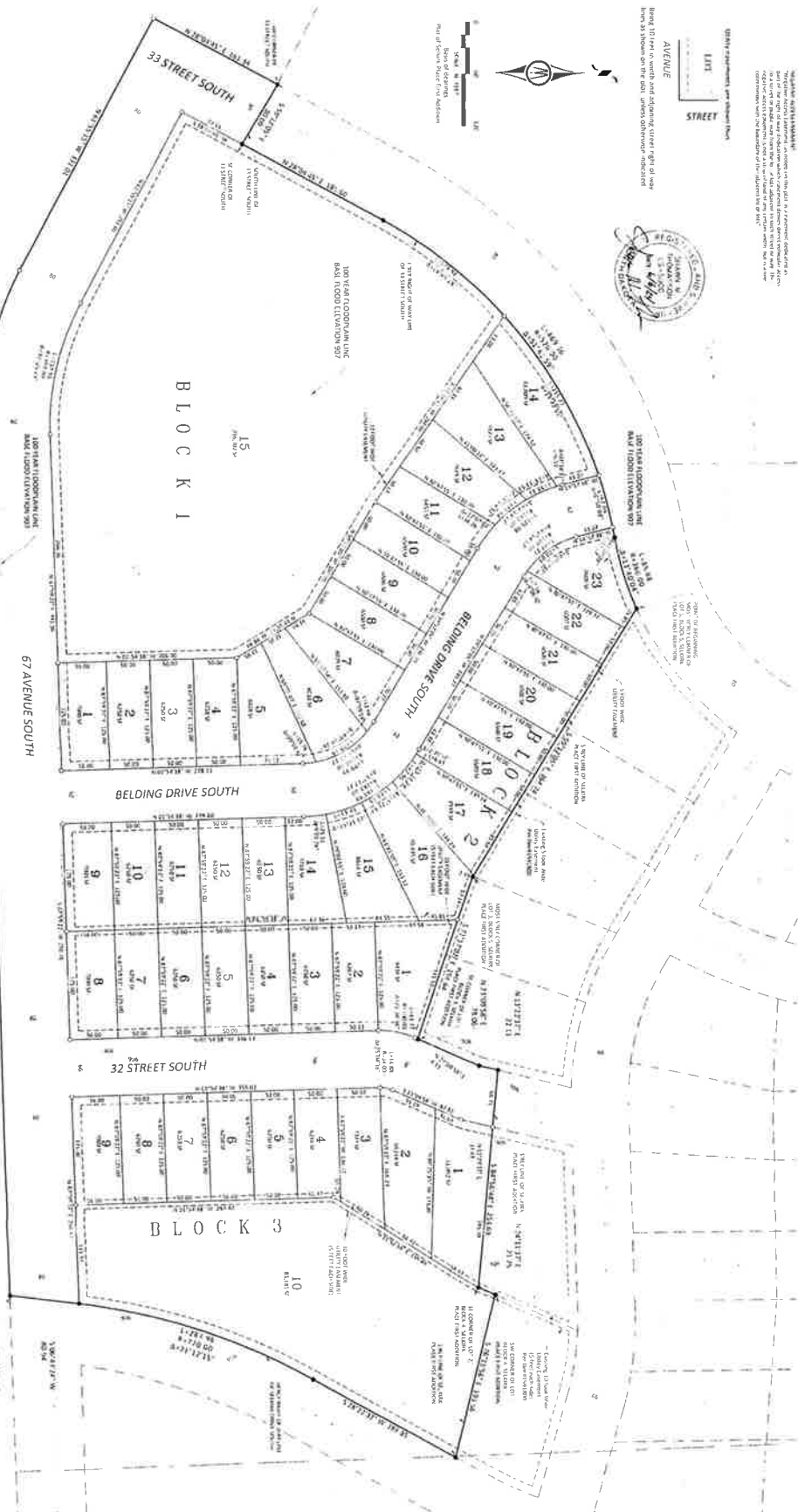
## Selkirk Place Second Addition

6655 Selkirk Drive South





BRANCHMARK  
LITTLE FALLS, MINNESOTA  
REGISTERED PROFESSIONAL SURVEYOR  
NO. 11512  
DATE: 10/15/2018



# SELKIRK PLACE SECOND ADDITION

PART OF THE NORTHWEST QUARTER AND PART OF ADDITORS LOT 2 IN THE NORTHEAST QUARTER  
OF SECTION 11, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

**LEGEND**

- 1" = 20' (Horizontal Scale)
- 1" = 100' (Vertical Scale)
- Floodplain Boundary
- Floodplain Elevation
- Easement
- Right-of-Way
- Utility
- Street
- Avenue

Block 1: 15 lots (1-15)  
Block 2: 23 lots (1-23)  
Block 3: 10 lots (1-10)



**FOR LOT 15, BLOCK 1, ZONED MR-3 WITH CONDITIONAL OVERLAY:**

1. No accessory buildings shall be allowed between the primary building(s) and the front or street side along public right of way or between building front and private road.
2. Individual accessory buildings shall have a maximum length of 140 feet.
3. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
  - a. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the development.
  - b. Parking areas that serve each primary building.
  - c. Any public sidewalk system along the perimeter streets adjacent to the development.
  - d. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, parks, retail shopping centers, and office buildings.



37b

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
2 LYING IN SELKIRK PLACE SECOND ADDITION  
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the  
5 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain  
6 parcels of land lying in Selkirk Place Second Addition to the City of Fargo, Cass County, North  
7 Dakota; and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning  
9 request on June 4, 2024; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on June 24,  
11 2024,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 Lots One (1) through Fourteen (14), Block One (1), and Lots One (1) through  
16 Twenty-three (23), Block Two (2) of Selkirk Place Second Addition to the City of  
17 Fargo, Cass County, North Dakota;

18 are hereby rezoned from "AG", Agricultural and "GC", General Commercial, Districts to "SR-4",  
19 Single-Dwelling Residential, District;

20 Section 2. The following described property:

21 Lots One (1) through Nine (9), Block Three (3) of Selkirk Place Second Addition to the City  
22 of Fargo, Cass County, North Dakota;

23 are hereby rezoned from "AG", Agricultural, District to "SR-4", Single-Dwelling Residential,  
District;

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

Section 3. The following described property:

1  
2 Lot Ten (10), Block Three (3) of Selkirk Place Second Addition to the City of Fargo, Cass  
County, North Dakota;

3 is hereby rezoned from “AG”, Agricultural, District to “SR-5”, Single-Dwelling Residential,  
4 District;

5 Section 4. The following described property:

6 Lot Fifteen (15), Block One (1) of Selkirk Place Second Addition to the City of Fargo, Cass  
7 County, North Dakota;

8 is hereby rezoned from “AG”, Agricultural and “GC”, General Commercial, Districts to “MR-3”,  
9 Multi-Dwelling Residential, District with a “C-O”, Conditional Overlay, District as follows:

- 10 1. No accessory buildings shall be allowed between the primary building(s) and the front or  
street side along public right-of-way or between building front and private road.
- 11 2. Individual accessory buildings shall have a maximum length of 140 ft.
- 12 3. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system  
13 of pedestrian walkways shall be designed to provide direct access and connections to and  
14 between the following:
- 15 a. Any sidewalks or walkways on adjacent properties that extend to the boundaries  
shared with the development.
  - 16 b. Parking areas that serve each primary building.
  - 17 c. Any public sidewalk system along the perimeter streets adjacent to the development.
  - 18 d. Where practical and appropriate, adjacent land uses and developments, including but  
not limited to residential developments, parks, retail shopping centers, and office  
buildings.

19 Section 5. The City Auditor is hereby directed to amend the zoning map now on file in his  
20 office so as to conform with and carry out the provisions of this ordinance.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

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Section 6. This ordinance shall be in full force and effect from and after its passage and approval.

(SEAL)

Attest:

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

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

First Reading:  
Second Reading:  
Final Passage:


38

| <b>City of Fargo<br/>Staff Report</b> |   |                       |                                    |
|---------------------------------------|---|-----------------------|------------------------------------|
| <b>Title:</b>                         | Rocking Horse Farm 7 <sup>th</sup> Addition   | <b>Date:</b>          | 05/01/2024<br>06/20/2024           |
| <b>Location:</b>                      | 5155 59 <sup>th</sup> Street South  | <b>Staff Contact:</b> | Alayna Espeseth, Assistant Planner |
| <b>Legal Description:</b>             | Part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West  |                       |                                    |
| <b>Owner(s)/Applicant:</b>            | Rocking Horse Farm, LLC & Houston Engineering, Inc.   | <b>Engineer:</b>      | Houston Engineering, Inc.          |
| <b>Entitlements Requested:</b>        | <b>Minor Subdivision</b> (replat part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West) and <b>Zoning Change</b> (from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay) |                       |                                    |
| <b>Status:</b>                        | City Commission Public Hearing: June 24, 2024   |                       |                                    |

| <b>Existing</b>   |
|---|
| <b>Land Use:</b> Vacant   |
| <b>Zoning:</b> AG, Agricultural   |
| <b>Uses Allowed:</b> Allows detached houses, parks and open space, safety services, basic utilities, and crop production. |
| <b>Maximum Density Allowed:</b> 1 dwelling unit per 10 acres.   |
| <b>Maximum Lot Coverage Allowed:</b> N/A  |

| <b>Proposed</b>   |
|---|
| <b>Land Use:</b> Commercial   |
| <b>Zoning:</b> LC, Limited Commercial   |
| <b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, <del>off-premise advertising signs</del> , commercial parking, retail sales and service, <del>self-service storage</del> , <del>vehicle repair</del> , limited vehicle service, and <del>certain telecommunications facilities</del> . |
| Proposed C-O, Conditional Overlay includes standard building and site requirements and restricts some uses.   |
| <b>Maximum Density Allowed:</b> N/A   |
| <b>Maximum Lot Coverage Allowed:</b> maximum 55% building coverage  |

| <b>Proposal:</b>   |
|--|
| The applicant is requesting two entitlements: <ol style="list-style-type: none"> <li><b>Minor Subdivision</b> (replat of the Southeast Quarter of Section 32, Township 139 North, Range 49 West to be known as Rocking Horse Farm 7<sup>th</sup> Addition)</li> <li><b>Zoning Change</b> (from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay)</li> </ol>  |
| 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.   |
| <b>Surrounding Land Uses and Zoning Districts:</b> <ul style="list-style-type: none"> <li>North: Across 51<sup>st</sup> Ave N is SR-2, Single-Dwelling Residential;</li> <li>East: AG, Agriculture with vacant land;</li> <li>South: GC, General Commercial with Industrial Services, Retail Sales and Service, Office and Warehouse uses permitted per CUP 2022-002;</li> <li>West: LC, Limited Commercial with Daycare use.</li> </ul> |
| (Continued to next page.)  |

|  |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
|--|--|------------|----------------------------|-----------------------------------|---|--|------------|-------------------------------|--------------------------------|--------------------------------|---|--|---------------------------------|--|--|--|--------|
| <p><b>Area Plans:</b></p> <p>The subject property is located within the 2003 Southwest Future Land Use Plan. The plan designates the subject property as being suitable for medium to high density residential. Staff felt that because of the proximity to designated commercial areas, the proposed zoning district of LC, Limited Commercial fits the growth plan and is consistent with the zoning district designation to the west of the subject property.</p>   |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p><b>2003 Southwest Future Land Use Plan</b></p> <table border="0"> <tr> <td>Commercial</td> <td>Other Office or Commercial</td> </tr> <tr> <td>Commercial or Medium-High Density</td> <td>Other Office or Medium-High Density Residential</td> </tr> <tr> <td>Commercial or Medium-High or Park/Open Space</td> <td>Industrial</td> </tr> <tr> <td>Commercial or Park/Open Space</td> <td>Low/Medium Density Residential</td> </tr> <tr> <td>Other Industrial or Commercial</td> <td>Low/Medium Density or Medium-High Density</td> </tr> <tr> <td></td> <td>Medium-High Density Residential</td> </tr> <tr> <td></td> <td>Medium-High Density or Park/Open Space</td> </tr> <tr> <td></td> <td>Office</td> </tr> </table>   |  | Commercial | Other Office or Commercial | Commercial or Medium-High Density | Other Office or Medium-High Density Residential | Commercial or Medium-High or Park/Open Space | Industrial | Commercial or Park/Open Space | Low/Medium Density Residential | Other Industrial or Commercial | Low/Medium Density or Medium-High Density |  | Medium-High Density Residential |  | Medium-High Density or Park/Open Space |  | Office |
| Commercial   | Other Office or Commercial   |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| Commercial or Medium-High Density  | Other Office or Medium-High Density Residential                                    |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| Commercial or Medium-High or Park/Open Space   | Industrial   |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| Commercial or Park/Open Space  | Low/Medium Density Residential   |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| Other Industrial or Commercial   | Low/Medium Density or Medium-High Density  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
|  | Medium-High Density Residential  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
|  | Medium-High Density or Park/Open Space   |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
|  | Office   |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p><b>Context:</b></p>   |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p><b>Neighborhood:</b> The subject property is located in the Osgood Neighborhood.</p>  |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p><b>Schools:</b> The subject property is located within the West Fargo School District and is served by Deer Creek Elementary, Liberty Middle and Sheyenne High schools.</p>   |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p><b>Parks:</b> The subject property is located approximately 0.50 miles southwest of Veterans Park (4951 53rd Street South). Amenities include a playground for ages 2-5. The subject property is also located 0.50 miles south of Rocking Horse Farm Park (6101 Wildflower Drive South). Amenities include picnic tables, playgrounds for ages 2-5 and 5-12, recreational trails and a non-reservable shelter.</p>  |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p><b>Pedestrian / Bicycle:</b> There are shared use paths that run along the north and south side of 52<sup>nd</sup> Avenue South.</p>  |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p><b>MATBUS Route:</b> The subject property is not along a MATBUS route at this time. The closest MATBUS route to the subject property is 1.0 miles northeast, Route 18, with a stop near the intersection of Veterans Boulevard and 44<sup>th</sup> Avenue South. Route 18 runs both north and south.</p>  |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p><b>Staff Analysis:</b></p>  |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p>The applicant is seeking approval for a minor subdivision and zone change from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay. A copy of the C-O is attached. The request is to replat a part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West (5155 59<sup>th</sup> Street South) into a two lot subdivision entitled, <b>Rocking Horse Farm 7<sup>th</sup> Addition</b>. The intent of the replat and rezone from AG to LC with a C-O is to allow for commercial development. The subject property is located within the 2003 Southwest Future Land Use Plan which designates the subject property as being suitable for medium to high density residential. Staff felt that because of the proximity to designated commercial areas, the proposed zoning district of LC fits the growth plan and is consistent with the zoning district designation to the west of the subject property. The proposed C-O is more detailed than the C-O on the adjacent property, but is the standard C-O that is used along arterial roadways. 52<sup>nd</sup> Avenue South is an arterial roadway. The adjacent C-O only restricted uses, the proposed C-O restricts uses but also includes standard building and site requirements for properties along arterial roadways.</p> |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p>Note: The permanent street easement for 61<sup>st</sup> Street South, located along the east side of the subject property, is proposed to be vacated at a later date.</p>   |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p><b>Zoning</b></p>   |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <p>Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:</p>   |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |
| <ol style="list-style-type: none"> <li>1. <b>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?</b></li> </ol>  |  |            |                            |                                   |   |  |            |                               |                                |                                |   |  |                                 |  |  |  |        |



Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. Staff felt the proposed zoning LC, Limited Commercial with a C-O, Conditional Overlay was consistent with the 2003 Southwest Future Land Use Plan because of the proximity to designated commercial areas, and with the zoning district designation to the west of the subject property currently being LC with a C-O. C-O's are typical along arterial roadways, 52<sup>nd</sup> Avenue South is classified as an arterial roadway. **(Criteria Satisfied)**

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

The subject property is already served by existing public services and infrastructure. City staff and other applicable review agencies have reviewed this proposal and finds no deficiencies in the current public utilities that serve the development. **(Criteria Satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. Staff received one inquiry about the project with no noted concerns. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

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

The 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 this proposal is consistent with the purpose of the LDC, the 2003 Southwest Future Land Use Plan, and other adopted policies of the City. **(Criteria Satisfied)**

**Minor Subdivision**

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

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

The request is to replat a part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West (5155 59<sup>th</sup> Street South) into a two lot subdivision. The subject property is currently zoned AG, Agricultural and the applicant is requesting to rezone to LC, Limited Commercial with a C-O, Conditional Overlay to allow for commercial development. The subject property is located within the 2003 Southwest Future Land Use Plan which designates the subject property as being suitable for medium to high density residential. Staff felt that because of the proximity to designated commercial areas, the proposed zoning district of LC fits the growth plan and is consistent with the zoning district designation to the west of the subject property also zoned LC. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one inquiry about the application with no noted concerns. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

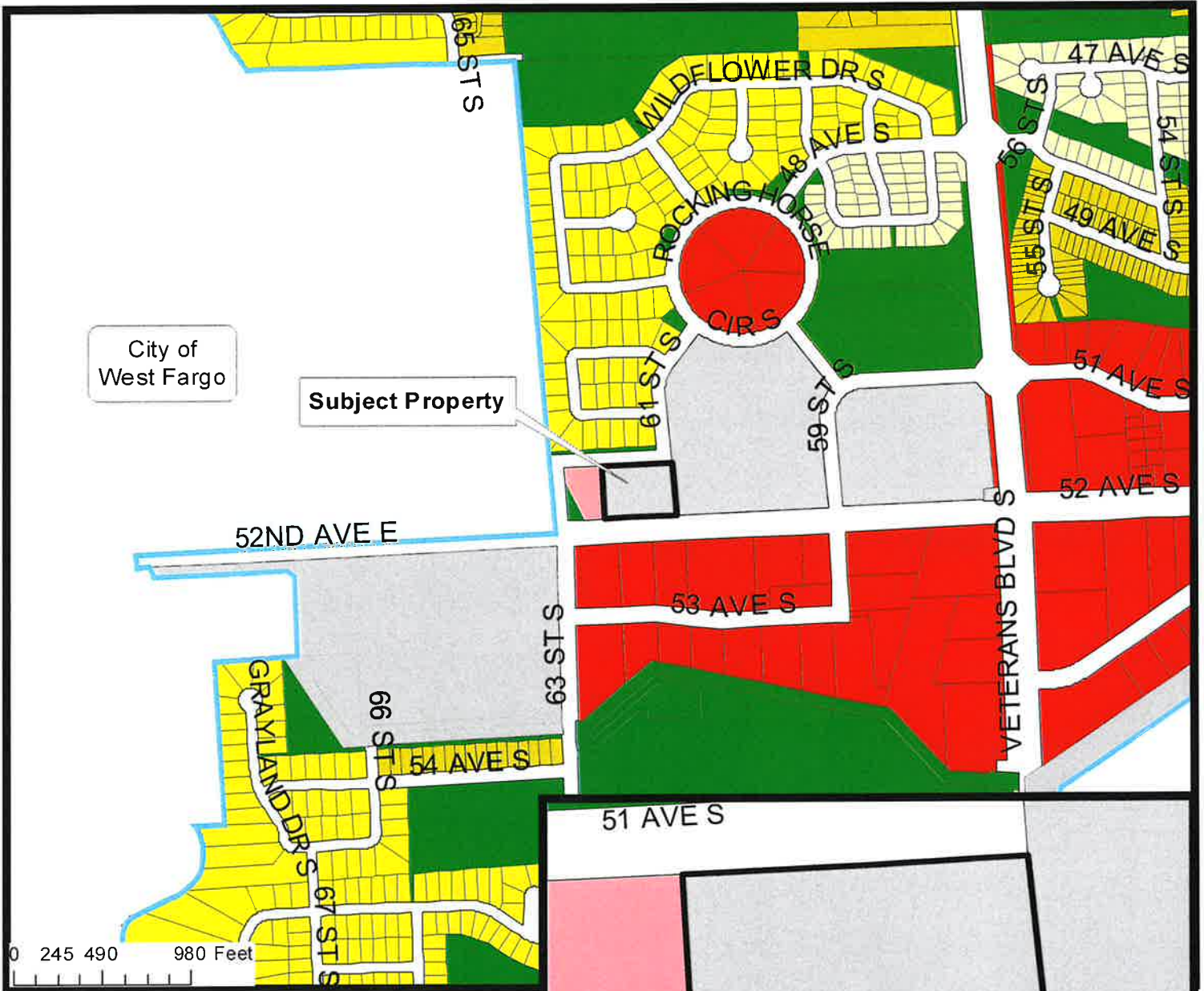
**2. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve**

|   |
|---|
| <p><b>the subdivision.</b></p> <p>While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. <b>(Criteria Satisfied)</b></p>   |
| <p><b>Staff Recommendation:</b></p>   |
| <p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed: 1) Zoning Change from AG, Agricultural to LC, Limited Commercial with C-O, Conditional Overlay and 2) Subdivision Plat, <b>Rocking Horse Farm Seventh Addition</b> as outlined within the staff report, as the proposal complies with the adopted 2003 Southwest Future Land Use Plan, the standards of Article 20-06, Section 20-0906.F (1-4), Section 20-0907.B. and C of the LDC and all other applicable requirements of the Land Development Code".</p> |
| <p><b>Planning Commission Recommendation: May 07, 2024</b></p>  |
| <p>At the May 7<sup>th</sup>, 2024 Planning Commission hearing, by a vote of 9-0 with one Commissioner absent and one Commission seat vacant, the Commission moved to accept the findings and recommendations of staff and moved to recommend approval to the City Commission the proposed : 1) Zoning Change from AG, Agricultural to LC, Limited Commercial with C-O, Conditional Overlay and 2) Subdivision Plat, <b>Rocking Horse Farm 7<sup>th</sup> Addition</b> as outlined within the staff report, as the proposal complies with the adopted 2003 Southwest Future Land Use Plan, the standards of Article 20-06, Section 20-0906.F (1-4), Section 20-0907.B. and C of the LDC and all other applicable requirements of the Land Development Code.</p>   |
| <p><b>Attachments:</b></p>  |
| <ol style="list-style-type: none"><li>1. Zoning Map</li><li>2. Location Map</li><li>3. Preliminary Plat</li><li>4. Draft Conditional Overlay</li></ol>  |

# Minor Subdivision & Zone Change from AG, Agricultural to LC, Limited Commercial with a Conditional Overlay

## Rocking Horse Farm Seventh Addition

5155 59th Street South



City of West Fargo

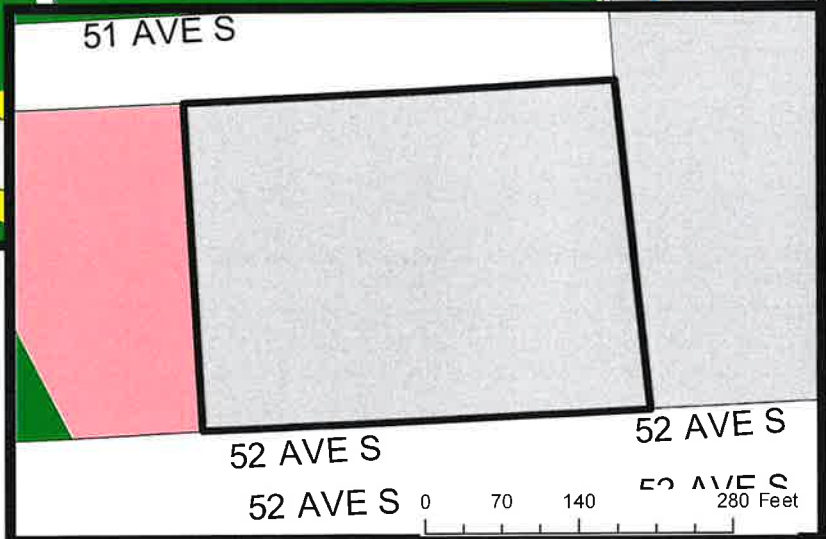
Subject Property

0 245 490 980 Feet



Legend

- AG
- DMU
- GC
- GO
- LC
- LI
- MR-1
- MR-2
- MR-3
- MHP
- NC
- NO
- P/I
- UMU
- SR-2
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- SR-99
- SR-100
- City Limits



Fargo Planning Commission  
May 07, 2024



# Minor Subdivision & Zone Change from AG, Agricultural to LC, Limited Commercial with a Conditional Overlay

## Rocking Horse Farm Seventh Addition

5155 59th Street South



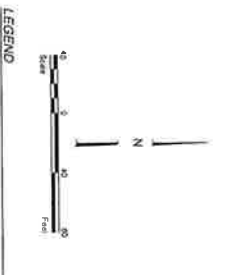
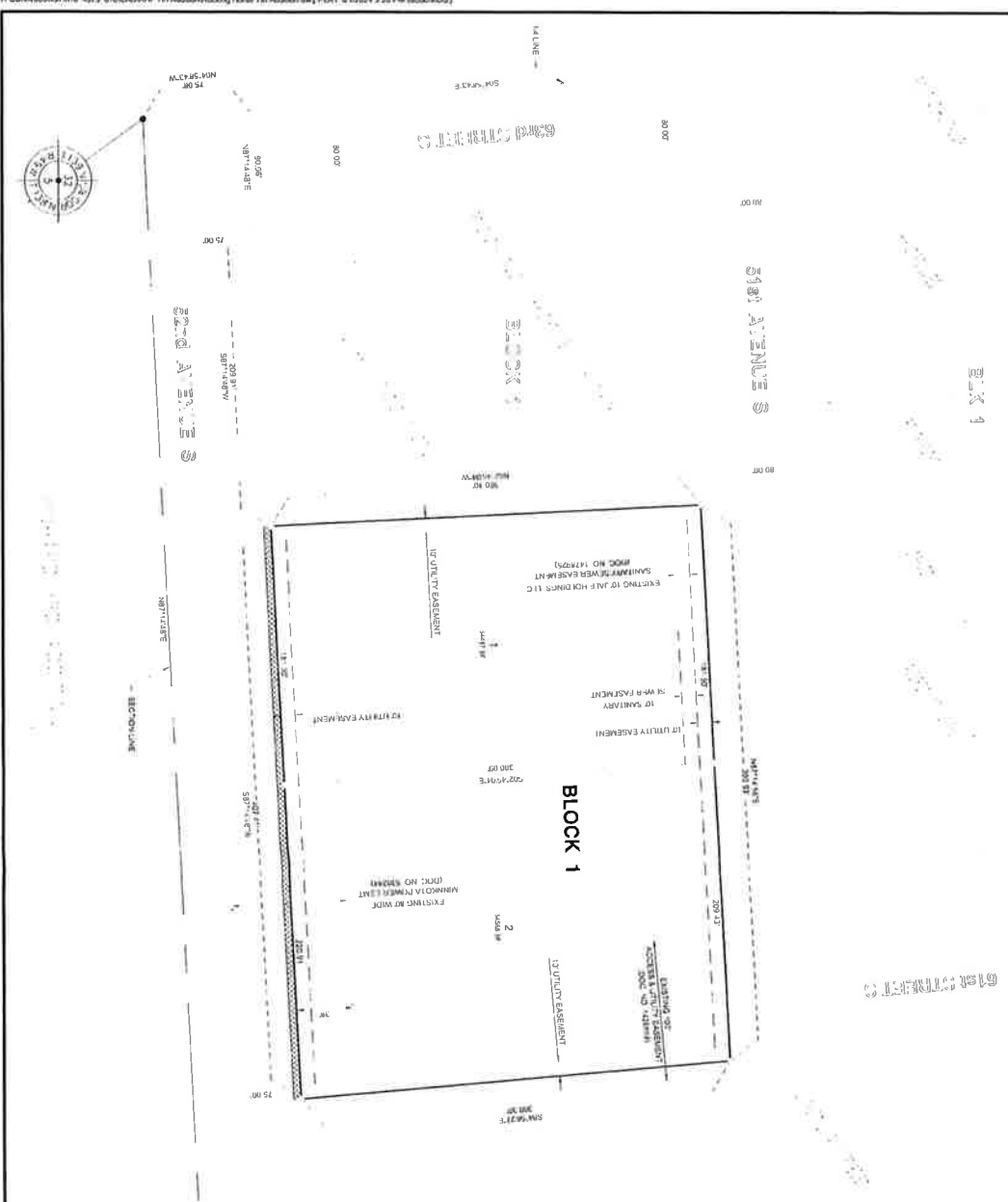
**Legend**  
City Limits



Fargo Planning Commission  
May 07, 2024

# ROCKING HORSE FARM 7TH ADDITION

A MINOR SUBDIVISION  
 BEING A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 32,  
 T. 139 N., R. 49 W., 5th P.M.,  
 CITY OF FARGO,  
 CASS COUNTY, NORTH DAKOTA



**LEGEND**

|                          |         |
|--------------------------|---------|
| IRON MONUMENT FOUND      | •       |
| 1/2" DIA. PIPE SET       | —       |
| METAL BEARING            | —       |
| PLASTERED FENCE          | —       |
| WOODEN FENCE             | —       |
| PLASTERED FENCE          | —       |
| PLAT BOUNDARY            | 100.00' |
| LOT LINE                 | —       |
| UTILITY EASEMENT         | —       |
| EXISTING LOT LINE        | —       |
| EXISTING OUTLET EASEMENT | —       |
| NEGATIVE ACCESS EASEMENT | —       |

**NOTES**

1. NEGATIVE ACCESS EASEMENT AS SHOWN ON THIS PLAT IS A CONDITIONAL EASEMENT WHICH IS SUBJECT TO THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT LINES WILL BE SHOWN ON THE CITY OF FARGO'S PLAT. SUCH STREET OR WAY, THE NEGATIVE ACCESS EASEMENT IS A LINE CONTIGUOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

Sheet 1 of 2  
 Project No. 4975-0010  
**Houston Engineering Inc.**  
 Phone: 701.237.5065





Conditional Overlay Items  
Rocking Horse Farm Seventh Addition  
5155 59 St S (address subject to change)

1. Description: This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding development within the described property.
  - a. All buildings shall have architectural interest and variety through the use of articulated façades to avoid the effect of a single, long or massive wall.
  - b. Four sided design – all building facades shall be designed with a similar level of design detail, respective to building massing and building materials.
2. All primary buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; EIFS (exterior insulation finishing system), glass, metal panes similar to 'Aluco Bond' and synthetic panels similar to 'Trespa'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the wood may be used. Horizontal metal lap siding and vertical metal batten shall be allowed on residential and commercial structures but shall not exceed 75% of the building elevation for residential and 50% for commercial.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building facades greater than 200 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least two feet, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 200 horizontal feet. An articulated facade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.
5. Ground floor façades that face right-of way shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. If the façade facing the street is not the front, it shall include the same features and/or landscaping in scale with the façade.
6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other structures. All ground level HVAC units and utility boxes shall be screened from view from public Right-of-Way by a structure, wall, fence, or landscaping.
7. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides, clad with exterior building materials of the primary building, The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.
8. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning

Administrator approval. An onsite system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- a. The primary entrance or entrances to each commercial building, including pad site buildings.
  - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development. If less than 100 feet between closest building façade and property line exists, sidewalk connection to adjacent property will not be required.
  - c. Parking areas or structures that serve such primary buildings.
  - d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network. For Lots 1 and 2, Block 1 Rocking Horse Farm Seventh Addition, one connection on each lot to each public sidewalk will be required.
  - e. Any public sidewalk system along the perimeter streets adjacent to the commercial development.
  - f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
9. A minimum of 5% of the internal surface area of the parking lot shall be landscaped with plantings. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.
10. As to the Use Categories applicable to the base, "LC", zoning district, the following uses are prohibited
- a. Detention Facilities
  - b. Self-Service Storage
  - c. Off-Premise Advertising
  - d. Portable Signs
  - e. Vehicle Repair
  - f. Telecommunication Facilities
11. Definitions:
- a. Façade: Any exterior side of a building as viewed from a single direction, typically perpendicular to the exterior side of the building being viewed.
  - b. Depth: A horizontal distance perpendicular to a building façade.
  - c. Elevation: A horizontal orthographic projection of a building onto a vertical plane, parallel to one side of the building.
  - d. Landscaped: To make an area of land more attractive by adding plants.

386

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN ROCKING HORSE FARM SEVENTH ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

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

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on May 7, 2024; and,

WHEREAS, the rezoning changes were approved by the City Commission on June 24, 2024,

NOW, THEREFORE,

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

Section 1. The following described property:

That part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, being described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 32; thence North 04°58'43" West, along the westerly line of the Southeast Quarter of said Section 32, for a distance of 75.06 feet to a point of intersection with the northerly line of the South 75.00 feet of the Southeast Quarter of said Section 32; thence North 87°14'48" East, along the northerly line of the South 75.00 feet of the Southeast Quarter of said Section 32, for a distance of 289.97 feet to the southeast corner of Rocking Horse Farm 4th Addition to the City of Fargo, said plat being on file at the Cass County Recorder's Office, and the true point of beginning; thence North 02°45'04" West, along the easterly line of said Rocking Horse Farm 4th Addition, for a distance of 300.10 feet to the northeast corner of said Rocking Horse Farm 4th Addition, said point also lying on the southerly line of Rocking Horse Farm 2nd Addition to the City of Fargo, said plat being

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

1 on file at said Recorder's Office; thence North 87°14'56" East, along the southerly line of  
2 said Rocking Horse Farm 2nd Addition, for a distance of 390.93 feet; thence South  
3 04°56'27" East for a distance of 300.30 feet to a point of intersection with the northerly  
4 line of the South 75.00 feet of the Southeast Quarter of said Section 32; thence South  
5 87°14'48" West, along the northerly line of the South 75.00 feet of the Southeast Quarter  
6 of said Section 32, for a distance of 402.41 feet to the true point of beginning.

7 Said tract of land contains 2.733 acres, more or less of Rocking Horse Farm Seventh  
8 Addition to the City of Fargo, Cass County, North Dakota;

9 is hereby rezoned from "AG", Agricultural, District, to "LC", Limited Commercial, District, and to  
10 establish a "C-O", Conditional Overlay, District as follows:

- 11
- 12 1. Description: This Conditional Overlay is intended to provide for a higher quality of  
13 design than is afforded by the City of Fargo Land Development Code regarding  
14 development within the described property.
    - 15 a. All buildings shall have architectural interest and variety through the use of  
16 articulated façades to avoid the effect of a single, long, or massive wall.
    - 17 b. Four-sided design – all building facades shall be designed with a similar level of  
18 design detail, respective to building massing and building materials.
  - 19 2. All primary buildings shall be constructed or clad with materials that are durable,  
20 economically maintained, and of a quality that will retain their appearance over time,  
21 including but not limited to natural or synthetic stone; brick; stucco; integrally-colored,  
22 textured, or glazed concrete masonry units; high-quality pre-stressed concrete systems;  
23 EIFS (exterior insulation finishing system), glass, metal panes similar to 'Aluco Bond'  
and synthetic panels similar to 'Trespa'. Natural wood or wood paneling shall not be used  
as a principal exterior wall material, but durable synthetic materials with the wood may  
be used. Horizontal metal lap siding and vertical metal batten shall be allowed on  
residential and commercial structures but shall not exceed 75% of the building elevation  
for residential and 50% for commercial.
  3. Color schemes shall tie building elements together, relate pad buildings within the same  
development to each other, and shall be used to enhance the architectural form of a  
building.



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

- 1 4. All building facades greater than 200 feet in length, measured horizontally, shall  
2 incorporate wall plane projections or recesses having a depth of at least two (2) feet, and  
3 extending at least 20 percent of the length of the facade. No uninterrupted length of any  
4 facade shall exceed 200 horizontal feet. An articulated facade would emphasize elements  
5 on the face of a wall including changes in setback, materials, roof pitch, or height.
- 6 5. Ground floor façades that face right-of-way shall have arcades, display windows, entry  
7 areas, awnings, or other such features along no less than 60 percent of their horizontal  
8 length. If the façade facing the street is not the front, it shall include the same features  
9 and/or landscaping in scale with the façade.
- 10 6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public  
11 view at ground level by parapets or other structures. All ground-level HVAC units and  
12 utility boxes shall be screened from view from public Right-of-Way by a structure, wall,  
13 fence, or landscaping.
- 14 7. Dumpsters and outdoor storage areas must be completely screened from view. Collection  
15 area enclosures shall contain permanent walls on at least three (3) sides, clad with  
16 exterior building materials of the primary building, The fourth side shall incorporate a  
17 metal gate to visually screen the dumpster or compactor; however, if the service side does  
18 not face any public right-of-way or residentially zoned property the metal gate shall not  
19 be required.
- 20 8. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent  
21 properties may share pedestrian circulation systems that connect to public sidewalks with  
22 Zoning Administrator approval. An onsite system of pedestrian walkways shall be  
23 designed to provide direct access and connections to and between the following:
  - a. The primary entrance or entrances to each commercial building, including pad site buildings.
  - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development. If less than 100 feet between the closest building façade and property line exists, sidewalk connection to the adjacent property will not be required.
  - c. Parking areas or structures that serve such primary buildings.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

- d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network. For Lots 1 and 2, Block 1 Rocking Horse Farm Seventh Addition, one connection on each lot to each public sidewalk will be required.
- e. Any public sidewalk system along the perimeter streets adjacent to the commercial development.
- f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, and office buildings.

9. A minimum of five (5) percent of the internal surface area of the parking lot shall be landscaped with plantings. The cumulative open space (green space) of each property shall consist of at least ten (10) percent of the total property acreage.

10. As to the Use Categories applicable to the base, "LC", zoning district, the following uses are prohibited:

- a. Detention Facilities
- b. Self-Service Storage
- c. Off-Premise Advertising
- d. Portable Signs
- e. Vehicle Repair
- f. Telecommunication Facilities

11. Definitions:

- a. Façade: Any exterior side of a building as viewed from a single direction, typically perpendicular to the exterior side of the building being viewed.
- b. Depth: A horizontal distance perpendicular to a building façade.
- c. Elevation: A horizontal orthographic projection of a building onto a vertical plane, parallel to one side of the building.
- d. Landscaped: To make an area of land more attractive by adding plants.

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.

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(SEAL)

Attest:

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

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

First Reading:  
Second Reading:  
Final Passage:

39

| <b>City of Fargo<br/>Staff Report</b> |  |                          |                        |
|---------------------------------------|--|--------------------------|------------------------|
| <b>Title:</b>                         | Chas A. Roberts Addition   | <b>Date:<br/>Update:</b> | 5/30/2024<br>6/20/2024 |
| <b>Location:</b>                      | 901 9 <sup>th</sup> Street South   | <b>Staff Contact:</b>    | Luke Morman, Planner   |
| <b>Legal Description:</b>             | Lots 12-13, Block S, Chas A. Roberts Addition  |                          |                        |
| <b>Owner(s)/Applicant:</b>            | Brian Walker   | <b>Engineer:</b>         | N/A                    |
| <b>Entitlements Requested:</b>        | <b>Zoning Change</b> to repeal and reestablish a C-O, Conditional Overlay on Lots 12-13, Block S, Chas A. Roberts Addition |                          |                        |
| <b>Status:</b>                        | City Commission Public Hearing: June 24, 2024  |                          |                        |

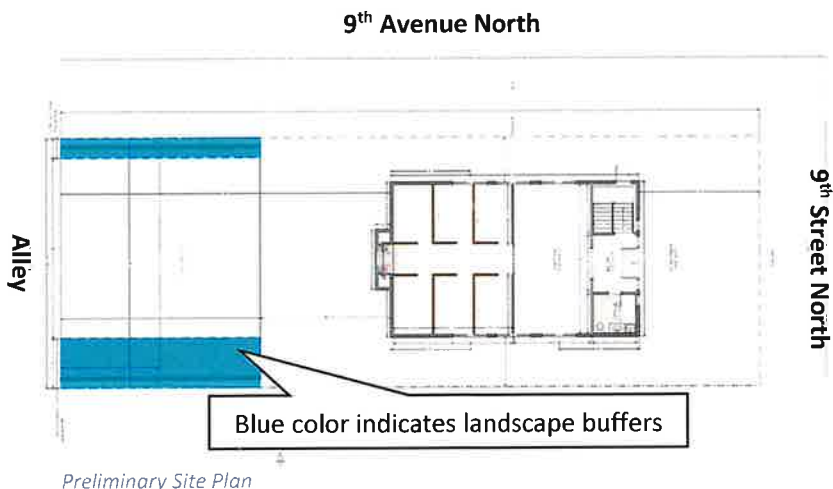
| <b>Existing</b>  | <b>Proposed</b>   |
|--|---|
| <b>Land Use:</b> Retail Sales and Service (Photography Studio)   | <b>Land Use:</b> Retail Sales and Service (Tattoo Shop)   |
| <b>Zoning:</b> NC, Neighborhood Commercial with a C-O, Conditional Overlay (Ordinance 4787) and Historic Overlay District (Ordinance 4910)   | <b>Zoning:</b> NC, Neighborhood Commercial with a Historic Overlay District (Ordinance 4910).   |
| <b>Uses Allowed:</b> Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers up to 12 children, parks and open areas, religious institutions, safety services, basic utilities, offices, retail sales and service, and certain telecommunication facilities.<br><br>C-O, Conditional Overlay (Ordinance 4787) restricts some land uses.<br><br>Chas A. Roberts Historic Overlay District (Ordinance 4910) | <b>Uses Allowed:</b> Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers up to 12 children, parks and open areas, religious institutions, safety services, basic utilities, offices, retail sales and service, and certain telecommunication facilities.<br><br><i>C-O, Conditional Overlay removed.</i><br><br>Chas A. Roberts Historic Overlay District to remain. |
| <b>Maximum Density Allowed:</b> N/A  | <b>Maximum Density Allowed:</b> N/A   |

| <b>Proposal:</b>  |
|---|
| <p>The applicant is requesting one entitlements:</p> <ol style="list-style-type: none"> <li>1. Zoning Change to repeal and reestablish a C-O, Conditional Overlay</li> </ol> <p>A CUP, Conditional Use Permit to allow an Alternative Access Plan for a parking reduction was approved by Planning Commission on June 4<sup>th</sup>, 2024. [CC takes no action]</p> <p><i>NOTE: Though this project was originally advertised as having a Zoning Change to repeal and reestablish a C-O, Conditional Overlay, further discussion between staff after the neighborhood open house meeting determined that the existing C-O could be removed entirely due to the lack of neighborhood concern, the standard NC zoning requirements, and the proposed parking reduction being sufficient to address all of staff's concerns for the project.</i></p> <p><u>History:</u><br/>The subject property was previously a church prior to 2011 and in July of 2011, Brian Walker, the current owner, received approval of a zoning change to change it from SR-3, Single-dwelling Residential, to NC, Neighborhood Commercial. This rezone allowed the owner to use the building for his Photography Studio. Due to neighborhood feedback, a C-O, Conditional Overlay, was added to prohibit the retail sales and service use to just allow his photography studio and to prohibit office uses.</p> |

**Proposal:**

The applicant is in the process of selling the property to The Bee's Nest Tattoo and Art Studio. They plan to add parking spaces off of the alley to accommodate for staff parking. The potential future owner, Dusty Hill, provided the following statement about their operations:

*"We have four artists, and our clients are predominantly women ranging from 18-65 in age. Our days of operation are Tuesday through Saturday, and our hours vary from artist to artist. On average we each have 1-3 clients a day and we only schedule appointments, we do not take walk ins. Usually two of us work in the morning to midafternoon and the other two work late morning to early evening. Occasionally on weekends we will host local artists to give art classes and display their work in our studio. We take part in multiple charity events for local groups like the YWCA, Rape and Abuse Crisis Center, and For Luv Dogs. We are very particular about the people we take on as clients and allow into our space."*



The City hosted a neighborhood open house meeting on Thursday, May 23<sup>rd</sup> where Planning staff, the property owner, potential future owner, and one neighborhood resident were in attendance. The resident noted that they were glad they are adding off-street parking. In addition to the standard LDC notice procedures, the Hawthorne Neighborhood representative was also provided the same notice documents, but did not respond

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

**Surrounding Land Uses and Zoning Districts:**

- North: Across 9<sup>th</sup> Avenue South, SR-3, Single-dwelling Residential with a duplex;
- East: SR-3, Single-dwelling Residential with household living;
- West: Across the alley, SR-3, Single-dwelling Residential with multi-dwelling residential;
- South: SR-3, Single-dwelling Residential with household living.

*\*Note that all adjacent properties also are within the Historic Overlay.*



**Area Plans:**

The subject property is located within the 2021 Core Neighborhoods Master Plan. The future land use map of the Hawthorne neighborhood brief designates the subject property as being suitable for single-family residential uses. The current photography studio has been at this location since 2011 but the Core Neighborhood Plan from 2021 still designated the subject property as residential. The base zoning district of NC, Neighborhood Commercial, is not changing. Due to the specific land use remaining commercial, staff has determined that the proposed use is generally consistent with this land use designation.



**Context:**

**Neighborhood:** The subject property is located within the Hawthorne Neighborhood

**Schools:** The subject property is located within the boundary of the Fargo School District and served by Clara Barton and Hawthorne Elementary schools, Ben Franklin Middle School, and North High School.

**Parks:** Located within a half-mile of the subject property is Dill Hill Park (652 6<sup>th</sup> Avenue South), Burdick Park (1550 South River Road), and Island Park (302 7<sup>th</sup> Street South). Dill Hill Park provides amenities of baseball and softball fields. Burdick Park provides recreational trails. Island Park provides amenities of a basketball court, cross country ski trails, grill, handball court, outdoor pools, picnic table, playgrounds, recreational trails, restrooms, reservable shelter, and tennis courts.

**Pedestrian / Bicycle:** A shared use path exists within a half-mile located along the Red River.

**Bus Route:** MATBUS routes 14 and 15 run along 10<sup>th</sup> Street South, 13<sup>th</sup> Avenue South, and University Drive South. Routes 14 and 16 run along 4<sup>th</sup> Street South. Route 16 runs along 5<sup>th</sup> Street South. Route 18 runs along 9<sup>th</sup> Avenue South and University Drive South. Several stops along these roads are within one quarter of a mile from the subject property.

**Staff Analysis:**

The applicant has requested to address parking requirements on the property through a conditional use permit. The applicant noted that the subject property has been served through on-street parking along 9<sup>th</sup> Avenue South. With the applicant's proposal to add parking along the alley, the City's Traffic Engineer, Jeremy Gorden, stated his approval for the proposed parking reduction noting that if they maximize the off-street parking to four spots, daytime

parking is sufficient on 9<sup>th</sup> Avenue South in that block that can handle additional parking needs. The additional parking would require a parking lot buffer, Residential Protection Standards (RPS) setback, and RPS landscape buffer. Any future work to the exterior of the building with a permit will require a Certificate of Appropriateness with review of the Chas A. Roberts Historic Overlay and approval by Planning staff and/or the Historic Preservation Commission.

In conclusion, staff is in support of this project due to the applicant's proposal for adding off-street parking spaces, the lack of neighborhood opposition to items that were concerning during the original rezone to Neighborhood Commercial, the LDC's applicable permitting regulations and processes for future work on the subject property, and staff's recommended conditions of this CUP.

**CUP, Conditional Use Permit**

The Planning Commission is the final decision maker for CUP's, therefore the City Commission takes no action on this entitlement. A CUP to allow an Alternative Access Plan for a parking reduction was approved at the June 4<sup>th</sup>, 2024 Planning Commission meeting with the following conditions:

1. A minimum of four parking spaces are required on site.
2. Change or expansion of retail sales and service use will require additional review by staff and/or the Planning Commission.

**Zoning**

Section 20-0906.F(1-4) of the LDC stipulates that 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 the subject property. The property is currently zoned NC, Neighborhood Commercial with a C-O, Conditional Overlay and is proposed to be changed to just NC, Neighborhood Commercial. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established, as the applicant is proposing a tattoo shop in the existing building.

**(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 properties are adjacent to existing developed public rights-of-way, which provide access and public utilities to serve them.

**(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 supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received and responded to one inquiry about the project noting concern that the buyer wants to add parking to the subject property, however, no letter was submitted. The Hawthorne Neighborhood representative was also provided the same notice documents, but has not responded. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity.

**(Criteria Satisfied)**

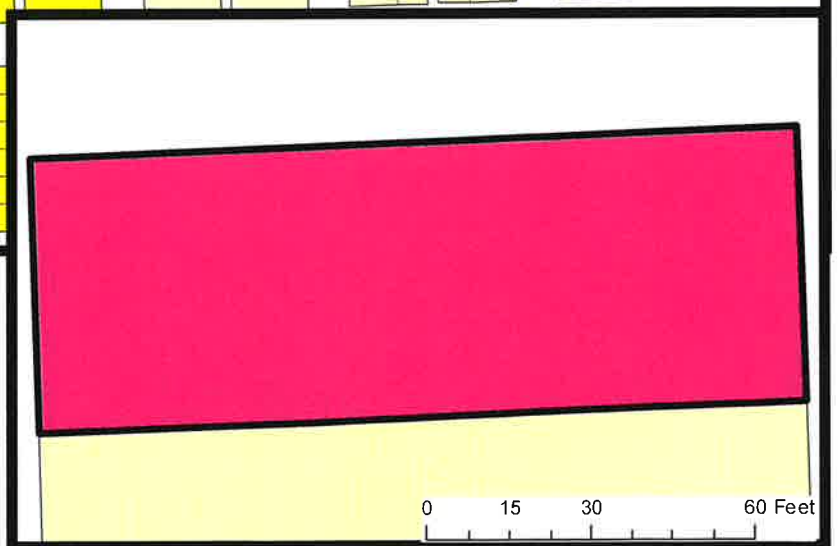
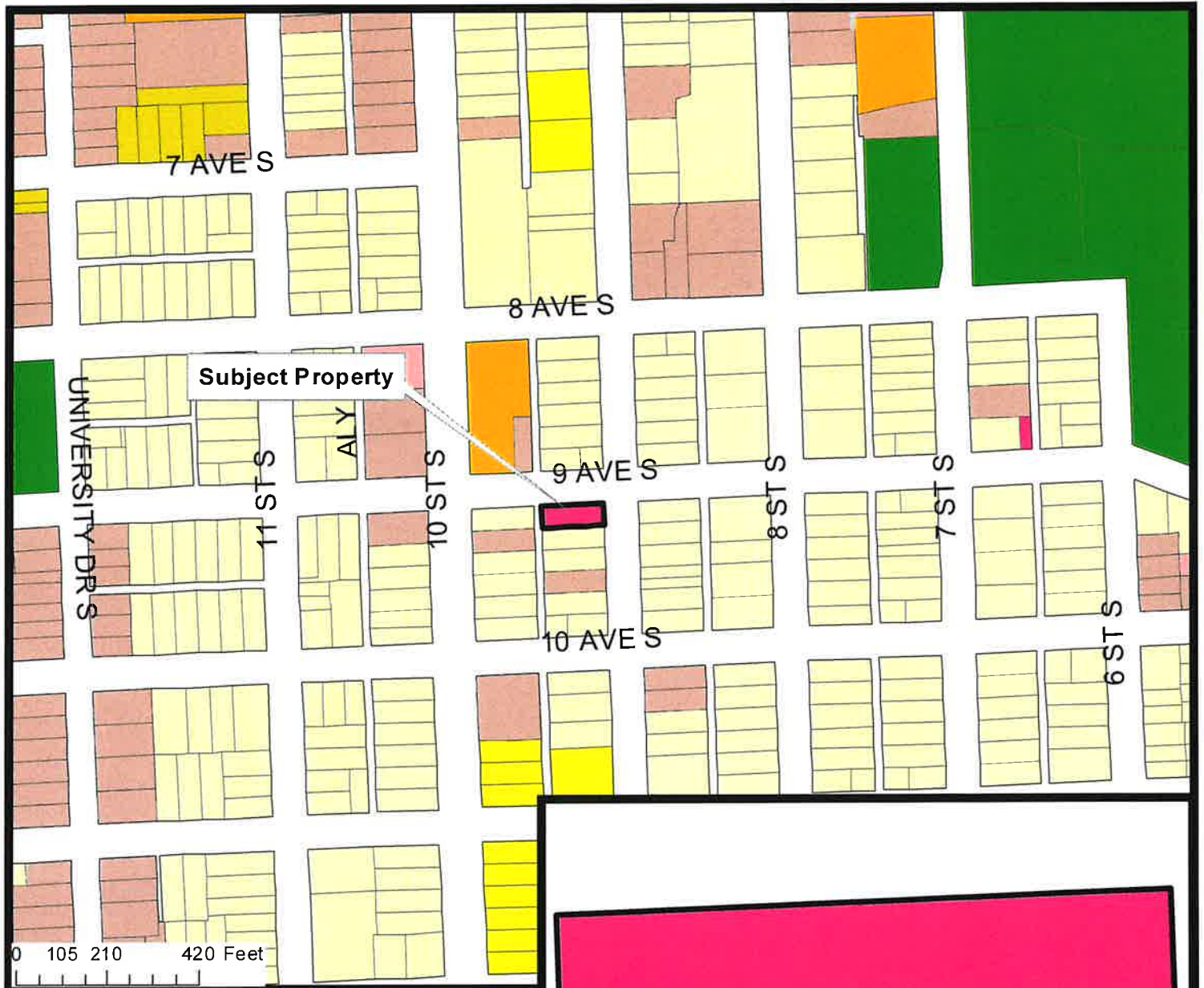
- 4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

|  |
|--|
| <p>The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.<br/><b>(Criteria Satisfied)</b></p>   |
| <p><b>Staff Recommendation:</b></p>  |
| <p>Suggested Motion: "To accept the findings and recommendations of staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move to approve the proposed Zoning Change to repeal a C-O, Conditional Overlay on Lots 12-13, Block S, Chas A. Roberts Addition, as the proposal complies with Section 20-0909.D (1-6), Section 20-0906.F (1-4), the Core Neighborhoods Master Plan, and all other requirements of the LDC</p> <p><i>*As noted above in the staff report, a C-O was determined to just be repealed and not reestablished.</i></p>   |
| <p><b>Planning Commission Recommendation: June 4, 2024</b></p>   |
| <p>At the June 4<sup>th</sup>, 2024 Planning Commission public hearing, that Commission, by a vote of 10-0 with no Commissioner absent and one Commission seats vacant, moved to accept the findings and recommendations of staff and approved the 1) Conditional Use Permit to allow an Alternative Access Plan for a parking reduction and recommend approval to the City Commission of the 2) Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lots 12-13, Block S, Chas A. Roberts Addition, as the proposal complies with Section 20-0909.D (1-6), Section 20-0906.F (1-4), the Core Neighborhoods Master Plan, and all other requirements of the LDC, with the following conditions for the CUP:</p> <ol style="list-style-type: none"><li>1. A minimum of four parking spaces are required on site.</li><li>2. Change or expansion of retail sales and service use will require additional review by staff and/or the Planning Commission.</li></ol> |
| <p><b>Attachments:</b></p>   |
| <ol style="list-style-type: none"><li>1. Zoning Map</li><li>2. Location Map</li><li>3. Email Correspondence from the potential future owner</li></ol>  |

# Zone Change from NC, Neighborhood Commercial with CO, Conditional Overlay to NC, Neighborhood Commercial with a revised CO, Conditional Overlay

## Chas A Roberts Addition

901 9th Street South



Legend

- |    |     |      |     |             |
|----|-----|------|-----|-------------|
| AG | DMU | LC   | MHP | SR-2        |
| CC | GO  | MR-1 | NC  | SR-3        |
| GO |     | MR-2 | UMU | SR-4        |
|    |     | MR-3 |     | SR-5        |
|    |     |      |     | City Limits |



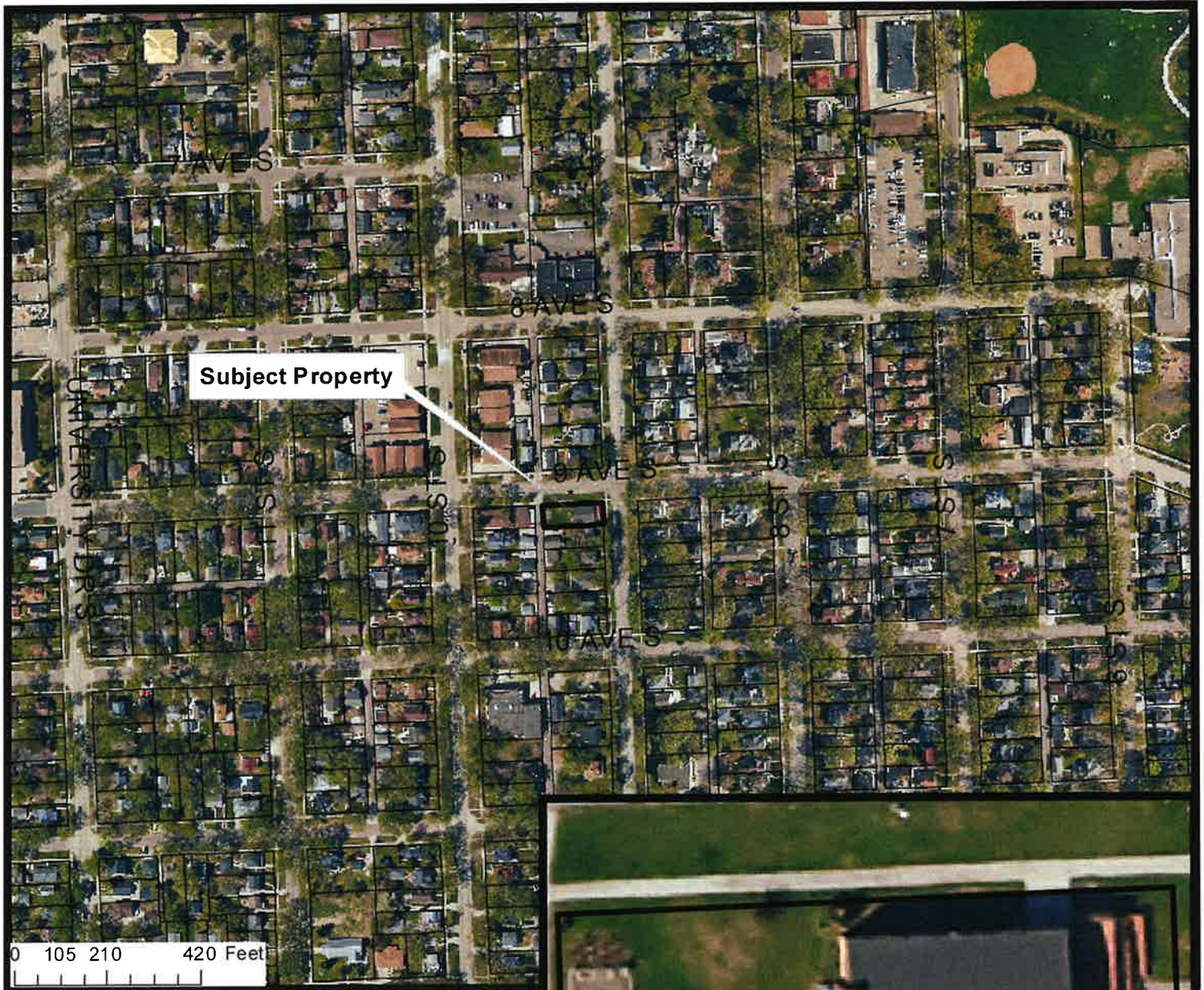
Fargo Planning Commission  
June 04, 2024



# Zone Change from NC, Neighborhood Commercial with CO, Conditional Overlay to NC, Neighborhood Commercial with a revised CO, Conditional Overlay

## Chas A Roberts Addition

901 9th Street South



### Legend

 City Limits



## Luke Morman

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**From:** dusty hill  
**Sent:** Wednesday, May 22, 2024 9:26 AM  
**To:** Luke Morman; Brian Walker  
**Subject:** Re: information on 901 9 St S

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Site Plan Review

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

Luke, here is our business operation description with testimonials.

We are The Bee's Nest Tattoo and Art Studio and are currently located at 14 8th St S Fargo. We are trying to purchase and move our studio into the space at 901 9th St S Fargo.

We are an all female tattoo and art studio that opened on 8th street in 2016 by Tanna Hill and Stephanie Marshall. Tanna has been in the industry for 17 years and Steph has been for 12. Our goal was to open a studio that would allow us to work around our family life schedules. We built The Bee's Nest as a place to work and create in, and to be a safe and welcoming environment our children could be part of. We have since taken on other artists and are now looking to move out of the downtown area and into our own quieter location. We have four artists, and our clients are predominantly women ranging from 18-65 in age. Our days of operation are Tuesday through Saturday, and our hours vary from artist to artist. On average we each have 1-3 clients a day and we only schedule appointments, we do not take walk ins. Usually two of us work in the morning to mid afternoon and the other two work late morning to early evening. Occasionally on weekends we will host local artists to give art classes and display their work in our studio. We take part in multiple charity events for local groups like the YWCA, Rape and Abuse Crisis Center, and For Luv Dogs. We are very particular about the people we take on as clients and allow into our space. We are very respectful and professional towards our clients and neighbors, and take their safety and comfortability very seriously. The 901 location is the exact kind of spot we had only dreamed of finding and we hope to be part of the neighborhood in the near future.

### TESTIMONIALS:

To whom it may concern;

It's with much excitement that I write this letter of recommendation and acceptance for The Bee's Nest Tattoo and Art Studio to move into the 9th street south building!

I have been going to the Bee's Nest for almost two years and have gotten to know most of the ladies fairly well. Not only do Tanna and Steph have a very professional environment, excellent team, and high expectations from that team and each other, but it is also a business run by women, empowering women!

It's always a welcoming and encouraging environment, and any neighborhood will be lucky to get them! I look forward to having their business as a neighbor and hope the city of Fargo will allow them to move in! I work from home and have absolutely no concerns in having them on my street!

If you have additional questions, don't hesitate to contact me.

Sincerely,

Carmen McKelvey

[1303 9th St. So - Fargo, 58103](#)

Tanna and her team are amazing! Both as professional business women and artists. Their shop stays busy, but is never crowded or overwhelming, and is well managed and maintained while providing a fun, funky artistic vibe that I look forward to heading to for each of my appointments. I am typically there late afternoon and early evening hours during the week and the shop is always quiet and rarely has anyone there past 8pm. Even at the busiest, there is usually at least one artist not working and the rest only have a client at time, so I've never seen more than 3 to 4 clients in the shop. The ladies set their own schedules, mostly sticking to weekday afternoons and evenings, as they have busy families along with their businesses. Other clients I meet while I am there are always polite, fun to chat with and we all look forward to our appointments. In fact, the majority of us are repeat clients that come back time and time again. Tanna and her team make their clients feel like family!

Natasha K. - Investor Relations Manager and tattoo enthusiast!

Dear Sirs and Madams,

I have been acquainted with the ladies that run and work at The Bees Nest for quite some time, some of them for over a decade at this point, and for that entire length of time they have proven themselves to professional, caring, and active members of the community. And as a homeowner/resident of Fargo's Hawthorne neighborhood, I personally would be enthusiastic to welcome their new shop here in our area. I have never known the atmosphere at their current place of business to be anything less than clean, attractive, quiet, and busy with happy customers and clients. Also, the entire shop being female owned and operated is a boon for the Fargo business landscape, and makes the area look and feel more modern and forward-facing.

To sum up, I again voice my support for The Bees Nest and the ladies that work there opening their new place of business in the Hawthorne area, believing that they would be valuable additions to the community, and would bring welcome tax dollars and attention to our neighborhood.

All of the artists that are a part of The Bees Nest would make the area better by their presence.

for your time and consideration,

Eary, U.S. Army, Ret.

Thank you

ThomasW.

602 University Drive South Fargo 58103

[Dusty Hill](#)

Graphic Design | Draftsman

396

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN CHAS A. ROBERTS ADDITION TO THE  
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

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

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on June 4, 2024; and,

WHEREAS, the rezoning changes were approved by the City Commission on June 24, 2024,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots Twelve (12) and Thirteen (13), Block S of Chas A. Roberts Addition to the City of Fargo, Cass County, North Dakota,

that are currently zoned "NC", Neighborhood Commercial, District, with an existing "C-O", Conditional Overlay, District, as established by Fargo Municipal Ordinance No. 4787, will hereby retain the base zoning of "NC", Neighborhood Commercial District, and repeal said "C-O", Conditional Overlay, District, as established by Fargo Municipal Ordinance No. 4787, in its entirety.

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.

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

(SEAL)

Attest:

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

First Reading:  
Second Reading:  
Final Passage:

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## CITY OF FARGO Board of Adjustment Variance Staff Report

|                     |   |
|---------------------|---|
| <b>Item No:</b> 2.a | <b>Date:</b> May 22, 2024<br><b>Update:</b> June 20, 2024 |
|---------------------|---|

**Address:** 97 23 Ave N

**Legal Description:** Lot 6, Block 3, North Park Addition

**Owner(s)/Applicants:** Julie Saatoff

**Reason For Request:** To allow an overhead structure to encroach in the required Front Setback

**Zoning District:** SR-2, Single Dwelling Residential

**Status:** Board of Adjustment Public Hearing: May 28, 2024

**Appeal of BOA Decision to City Commission Public Hearing:** June 24, 2024

| SR-2 Accessory Structure Standards | Proposed Pergola / Cover               |
|------------------------------------|--|
| <b>Front Setback:</b> 30 feet      | <b>Proposed Front Setback:</b> 24 feet |

**Background:**

The applicant proposes to construct an overhead structure (pergola or gazebo) on the subject property within the SR-2 (Single-Dwelling Residential) zoning district. Section 20-0501 of the Land Development Code outlines the Front Setback in the SR-2 zoning district as 30 feet. The applicant is requesting a variance in order to allow an overhead structure (pergola) to provide permanent shade over an existing deck.

**20-0501 Residential District Standards:**

| Dimensional Standard                           | Zoning District   |                     |          |          |                   |                   |                     |                   |                   |                          |                   |
|--|-------------------|---------------------|----------|----------|-------------------|-------------------|---------------------|-------------------|-------------------|--------------------------|-------------------|
|  | AG                | SR-0                | SR-1     | SR-2     | SR-3              | SR-4              | SR-5 <sup>(1)</sup> | MR-1              | MR-2              | MR-3                     | UMU               |
| Maximum/Minimum Density (UPA - Units per Acre) | 0.1 Max.          | 1.0 Max.            | 2.9 Max. | 5.4 Max. | 8.7 Max.          | 12.1 Max.         | 14.5 Max.           | 16.0 Max.         | 20.0 Max.         | 24.0 <sup>(1)</sup> Max. | 18.0 Min.         |
| Minimum Lot Size                               |                   |                     |          |          |                   |                   |                     |                   |                   |                          |                   |
| Area (Sq. Ft.)                                 | 10 Ac             | 1 Ac <sup>(2)</sup> | 15,000   | 5,000    | 5,000             | 3,600             | 3,000               | 5,000             | 5,000             | 5,000                    | 2,420             |
| Width (Ft.)                                    | 200               | 120                 | 50       | 60       | 50 <sup>(2)</sup> | 34 <sup>(2)</sup> | 25                  | 50 <sup>(2)</sup> | 50 <sup>(2)</sup> | 50 <sup>(2)</sup>        | 50 <sup>(2)</sup> |
| Minimum Setbacks (Ft.)                         |                   |                     |          |          |                   |                   |                     |                   |                   |                          |                   |
| Front  | 50 <sup>(3)</sup> | 50                  | 35       | 30       | 20                | 15 <sup>(3)</sup> | 15 <sup>(3)</sup>   | 25                | 25                | 25                       | 10                |
| Interior Side <sup>(4)</sup>                   | 25                | 25                  | 15%/15   | 10%/5    | 10%/5             | 4                 | 4                   | 15%/25            | 15%/25            | 10                       | 5                 |
| Street Side                                    | 25 <sup>(2)</sup> | 25                  | 17.5     | 15       | 12.5              | 10                | 10                  | 12.5              | 12.5              | 12.5                     | 10                |
| Rear   | 50                | 50                  | 25       | 25       | 15                | 15                | 15                  | 20                | 20                | 20                       | 15                |

Section 20-0504(D) *Measurement and Guidance* provides further guidance on these requirements including exceptions that are considered when applying setback regulations:

*Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section. Setbacks must be unobstructed from the ground to the sky except as specified in this section.*



- 1f. *Uncovered porches, uncovered steps to building entrances, uncovered patio decks and uncovered balconies may extend up to 10 feet into any required front, rear or street side setback and up to 3 feet into any required interior side setback.*

The applicant's proposed overhead structure encroaches into the required Front Setback in the SR-2, Single Dwelling zoning district.

**Criteria for Approval & Staff Analysis:**

**§20-0914.E.1 of the LDC states that, "A variance may be granted by the Board of Adjustment upon an affirmative finding that all of the following conditions exist."**

- a. The requested variance arises from conditions that are unique to the subject property not ordinarily found in the same zoning district and are not a result of the owner's intentional action;**  
Staff finds that the requested variance arises from proposed conditions that are self-imposed by the applicant, and does not arise from conditions that are unique to the subject property. **(Criteria NOT satisfied)**
- b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;**  
Staff has no data that would identify an adverse impact to adjacent neighbors with this variance. In accordance with the notification requirements of the LDC, neighboring property owners were provided notice of the variance request. As of the writing of the staff report, staff has not received any comments on this application. **(Criteria satisfied)**
- c. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;**  
Staff finds that strict application of the applicable standards will not constitute an unnecessary physical hardship because the property can be used for single-dwelling household living. Additionally, staff suggests that there are alternative options available for an overhead structure (pergola or gazebo) that would not require the granting of a variance. **(Criteria NOT satisfied)**
- d. The variance desired will not adversely affect the public health, safety or general welfare;**  
Staff has no data that would identify an adverse effect on public health, safety or general welfare. No public health, safety or general welfare issues have been identified. **(Criteria satisfied)**
- e. The variance is the minimum variance that will overcome the hardship;**  
As mentioned above, staff suggests that there is no hardship because the accessory structure is not required for the use and enjoyment of the property for residential household living. However, if a hardship was found to exist, the proposed variance would be the minimum variance needed for the applicant to construct the overhead structure proposed. **(Criteria satisfied)**

**Staff Recommendation to Board of Adjustment**

**Staff Recommendation:** "To accept the findings of staff and deny the requested variance to allow an overhead structure (pergola or gazebo) encroach in the required Front Setback in the SR-2 zoning district on the basis that the review criteria of Section 20-0914.E.1 (a & c) have not been met."

### **Board of Adjustment Decision: May 28, 2024 Findings of Fact**

At the May 28, 2024 Board of Adjustment meeting the Board by a vote of 5-0 affirmed the findings of staff to be accepted and Deny the Variance request, based on the determination that two criteria for approval for the requested variance were not met.

A required Setback is an unobstructed space between a structure and the lot line of the lot on which the structure is located. A Front Setback is a setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the front lot line and a line parallel thereto on the lot. Setbacks must be unobstructed from the ground to the sky, except as specified in 20-0504.D.1(f) – Exceptions to Setbacks: f. “Uncovered porches, uncovered steps to building entrances, uncovered patio decks and uncovered balconies may extend up to 10 feet into any required front, rear or street side setback and up to 3 feet into any required interior side setback.

Staff notes that the Land Development Code is clear that the exceptions clearly allow only uncovered encroachments are allowed within setbacks, including the front setback that the proposed site. Furthermore, other tools to allow flexibility of front setback (20-0504.D.2 – Setback Averaging) in existing neighborhoods where structures existed prior to the current LDC requirements may have developed at different setbacks. Setback averaging does not apply, since of the houses along this Avenue have a consistent, uniform setback:



In the Appeal of the Board of Adjustment Decision, the appellant cites that the Board did not hear her and notes that the proposed structure is small and will not move/blow away like a screen house.

### **Appeal of a Board of Adjustment Decision and Recommendation:**

Appeals from the action of the Board of Adjustment may be taken to the Board of City Commissioners by filing an appeal with the Zoning Administrator. On May 31, 2024 the applicant filed an Appeal of the Board of Adjustment to the Zoning Administrator. As required, notice of the public hearing for this Appeal of a Board of Adjustment Decision was provided by written notice to property owners within 300 feet of the subject property and published newspaper notice for two consecutive weeks prior to the hearing.

The Board of City Commissioners shall consider the appealed decision as a new matter in a public hearing and, at the close of the public hearing, act to approve or deny the original application for a Variance. A favorable vote of  $\frac{3}{4}$  of all the members of the Board of City Commissioners (4) shall be required to approve any variance request.

Recommended Motion:

**The Board of City Commissioners has reviewed the application and supporting documentation for a Variance requesting to allow an overhead structure (pergola or gazebo) encroach in the required Front Setback in the SR-2 zoning district and find the proposed Variance does not meet the Review Criteria of Section 20-0914.E.1 (a & c) and therefore deny the original application for a Variance.**









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)

APPEAL OF A BOARD OF ADJUSTMENT DECISION

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

**Property Owner Information**

Name (printed): Julie Santoff

Address: 97 23<sup>rd</sup> Ave N

Primary Phone: [REDACTED]

Alternative Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: jsantoff

**Representation Information (if applicable)**

Name (printed): \_\_\_\_\_

Address: \_\_\_\_\_

Primary Phone: \_\_\_\_\_

Alternative Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

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

Address: 97 23<sup>rd</sup> Ave N Fargo, ND 58102

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

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

I feel the board wasn't hearing me. The Pergola is like a screen house. Screen house blew away - Possibly injuring property or someone. This is a small structure that will not move. It will match my house & fit perfectly within 300 feet setback. No problem at all.

Acknowledgement - I hereby acknowledge that we have familiarized ourselves with the rules and regulations in the preparation of this appeal and that the foregoing information is true and complete to the best of our knowledge.

Owner (Signature): \_\_\_\_\_ Date: \_\_\_\_\_

Representative (Signature): \_\_\_\_\_ Date: \_\_\_\_\_

**Office Use Only**

Date Filed: \_\_\_\_\_ Pre-Application Meeting Date: \_\_\_\_\_

Application Complete:  Yes  No Reviewed By: \_\_\_\_\_





**Planning & Development**  
225 4<sup>th</sup> Street North  
Fargo, ND 58102  
Office: 701.241.1474 | Fax: 701.241.1526  
Email: [planning@FargoND.gov](mailto:planning@FargoND.gov)  
[www.FargoND.gov](http://www.FargoND.gov)

**BOARD OF ADJUSTMENT**  
**Tuesday, May 28, 2024 | 9:00AM**  
**City Commission Chambers**  
**AGENDA**

1. Approve Minutes – January 23, 2024
2. New Business
  - a. Variance Request – 97 23<sup>rd</sup> Avenue North
    - i. The request at 97 23<sup>rd</sup> Avenue North, if granted, would allow an overhead structure (gazebo/ pergola) to encroach in the required Front Setback in the SR-2, Single-Dwelling Residential zoning district as outlined in 20-05 of Fargo Municipal Code.
3. Other Business
4. Adjourn – Next Meeting: June 25, 2024

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

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

**BOARD OF ADJUSTMENT  
MINUTES**

**Regular Meeting:**

**Tuesday, January 23, 2024**

The Regular Meeting of the Board of Adjustment of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 9:00 a.m., Tuesday, January 23, 2024.

The Members present or absent were as follows:

Present: Deb Wendel-Daub (via conference call), Jared Heller, Michael Love, Michael Orth, Matthew Boreen

Absent: None

Chair Love called the meeting to order.

**Item 1: Approval of Minutes: Regular Meeting of October 24, 2023**

Member Heller moved the minutes of the October 24, 2023 Board of Adjustment meeting be approved. Second by Member Orth. All Members present voted aye and the motion was declared carried.

**Item 2: New Business**

**a. Variance Request – 3377 39th Street South: APPROVED**

***Request for a variance of Article 21-06 of the Municipal Code. The requested variance is to allow construction at a lower elevation than would otherwise be required by the City's Floodproofing Code.***

Planning Coordinator Kim Citrowske presented the staff report and overview of the request.

Applicant representative Andrew Thill, Lowry Engineering, spoke on behalf of the application.

Discussion was held regarding water and sewer connections and the acknowledgment of liability form.

Applicant Michael Casper spoke on behalf of the application.

Member Orth moved the findings of staff be accepted and the variance be approved as requested. Second by Member Orth. Upon call of the roll Members Wendel-Daub, Heller, Orth, and Love voted aye. Absent and not voting: Member Boreen. The motion was declared carried.

Board of Adjustment  
January 23, 2024

Page No. 2

**Item 3: Other Business**

Chair Love indicated that this would be Member Heller's last meeting and thanked him for his service to the Board of Adjustment.

**Item 4: Adjournment:**

Member Heller moved to adjourn the meeting at 9:06 a.m. Second by Member Orth. All Members present voted aye and the motion was declared carried.



### APPLICATION FOR VARIANCE

The Board of Adjustment is authorized to grant variances from the zoning district dimensional standards and off-street parking and loading standards of the Land Development Code (LDC) that will not be contrary to the public interest or the spirit of the LDC, where owing to special conditions, a literal enforcement of the provisions of this LDC would result in unnecessary physical (not economic) hardship to the property owner.

| Property Owner Information:                    | Representation Information: (if applicable) |
|--|---|
| Name (printed): <u>Julie Saatoff</u>           | Name (printed): _____                       |
| Address: <u>97 23rd Ave. N Fargo, ND 58102</u> | Address: _____                              |
| Primary Phone: _____                           | Primary Phone: _____                        |
| Alternative Phone: _____                       | Alternative Phone: _____                    |
| Fax: _____                                     | Fax: _____                                  |
| Email: _____                                   | Email: _____                                |

| Location of property requesting a variance:                |
|--|
| Address: <u>97 23rd Ave. N Fargo, ND 58102</u>             |
| Zoning District: _____                                     |
| Legal Description: <u>Lot 6 Block 3 of North Park Add.</u> |
| _____  |

**Proposed Variance Information:**

What Land Development Code Standard are you seeking a variance? (e.g. setback, lot coverage, height)  
Setback

Please describe difference between the standard and the proposed (e.g. the standard is 10 ft. and my project would propose a 7' setback).  
SR 2 is 30' Variance for 8' Setback 22'

Please explain your project, describing why you are requesting a variance and why you believe a variance is justified. Along with your project description, please include a site plan/diagram with dimensions. (Attach additional pages, if needed.)

I have a deck out my front door which i am unable to use due to the fact it faces the south and can get well over 100 degrees. One can not touch my door to go inside without burning themselves. I am a disabled Veteran with PTSD part of which was military sexual trauma. I have a fear of spending time in my back yard. I am on constant alert and I am not comfortable back there.. I've used tents and such but our high winds have destroyed all of them.

My daughter has terminal cancer and is at the end stages of her life so she is going to come spend it at my house. She can not be in direct sunlight and loves to be outside so I hired someone to put up a pergelo, a roof over my deck which is already there, only to find out I can't. she is in a wheelchair so the only way in and out is the front door.



**Planning & Development**  
225 4th Street North  
Fargo, ND 58102  
Office: 701.241.1474 | Fax: 701.241.1526  
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**VARIANCES (§20-0914)**

The Board of Adjustment is authorized to grant variances from the zoning district dimensional standards and off-street parking and loading standards of the Land Development Code (LDC) that will not be contrary to the public interest or the spirit of the LDC, where owing to special conditions, a literal enforcement of the provisions of this LDC would result in unnecessary physical (not economic) hardship to the property owner.

**Variance Application Process**

- 1) The application and a nonrefundable fee of \$185 are due at the time of submittal
- 2) Notice of the Public Hearing is mailed to property owners within 300 feet of the proposed site at least 15 days prior to the Hearing and published once a week for two consecutive weeks in the newspaper.
- 3) The City Planner reviews your case, develops a staff report and prepares a recommendation to the Board of Adjustment based on the Criteria for Approval, below.
- 4) Board of Adjustment meetings are scheduled as needed.

**Criteria for Approval**

A variance may be granted by the Board of Adjustment upon an affirmative finding that all of the following conditions exist.

- a. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;
- b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- c. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;
- d. The variance desired will not adversely affect the public health, safety or general welfare; and;
- e. The variance is the minimum variance that will overcome the hardship.

|   |                         |                                   |
|---|-------------------------|-----------------------------------|
| <b>Acknowledgement</b> – I hereby acknowledge that I have familiarized myself with the rules and regulations to the preparation of this submittal and that the foregoing information is true and complete to the best of my knowledge. I, the undersigned, do hereby petition the Board of Adjustment of the City of Fargo, North Dakota, to take such action as may be required by law of the City of Fargo to grant a variance pursuant to Section 20-0914 of the Land Development Code of the City of Fargo. |                         |                                   |
| Owner (Signature): <u>Julie Saatoff</u>   | Date: <u>4-17-24</u>    |                                   |
| <i>Note: A nonrefundable filing fee of \$185.00 must be accompanied with the application at time of submittal.</i>  |                         |                                   |
| <b>Office Use Only</b>  |                         |                                   |
| Date Filed: _____   | Planning Contact: _____ | Nonrefundable Fee \$185.00: _____ |





**Criteria for Approval:**

Please explain how your requested variance meets the following five criteria for approval, pursuant to Section 20-0914 of the Land Development Code: (Attach additional pages, if needed.)

1. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;

see description on page 2

2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

It's my property + shouldn't compromise any neighbors vision or outlook on their property

3. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;

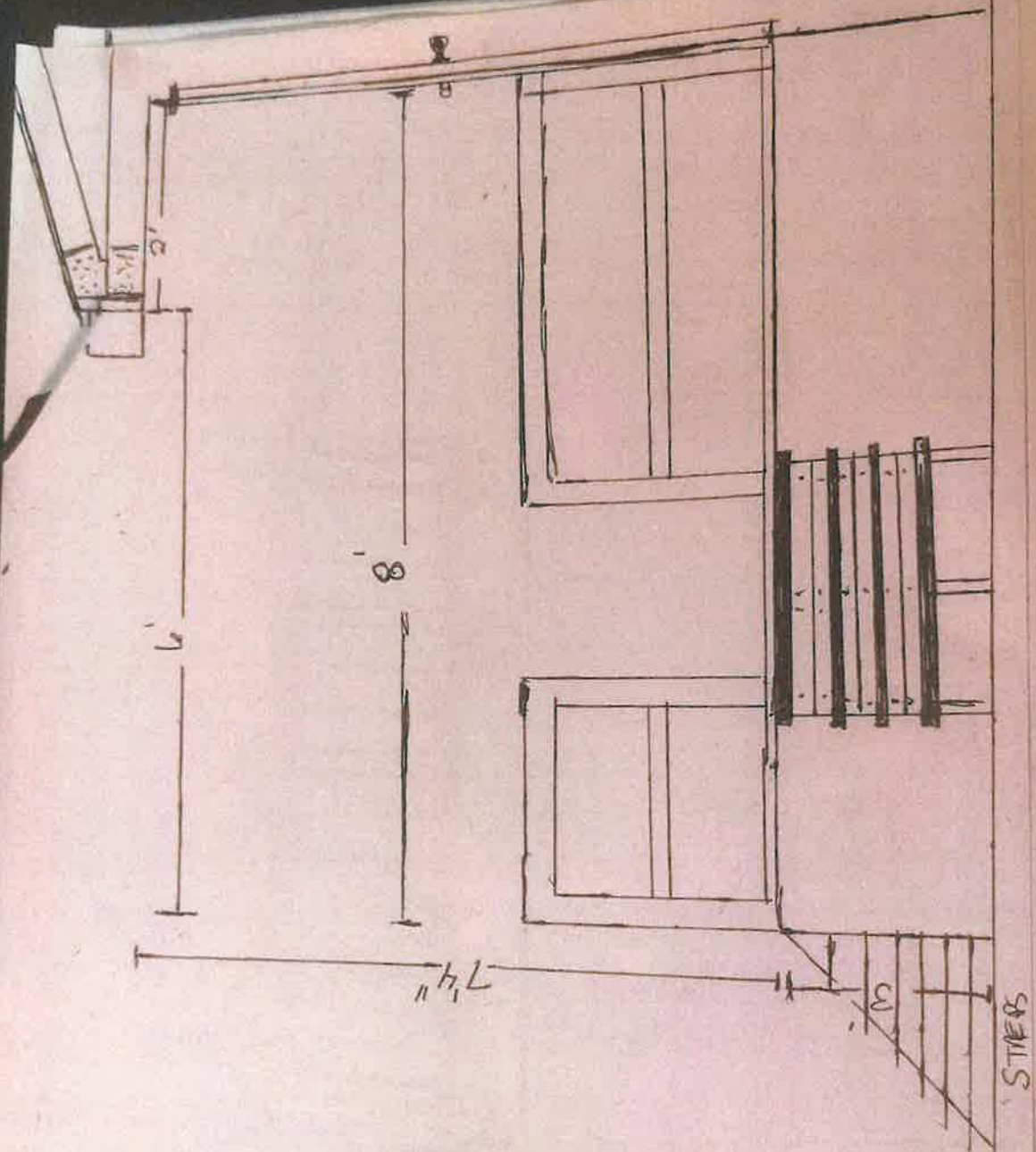
It can't go out back due to the way the structure is built. to go out back you have to go down steps into the garage, through garage to get out front or back - Easy access to deck with wheelchair

4. The variance desired will not adversely affect the public health, safety, or general welfare; and

no it would not affect any about.

5. The variance is the minimum variance that will overcome the hardship.

being efficient on materials. Door + Windows swing out to deck. Daughters will need ability to turn + maneuver around to get in + out





PREMIUM OUTDOOR PRODUCTS



12 x 6 ALL-CEDAR  
**GRILL  
GAZEBO XL**

Enough Space for 2 Full-Size Grills, Criddle, or

lights shown not included







**Beauty  
& Function**



**U.S. Department of Veterans Affairs**

Veterans Health Administration  
*Midwest Health Care Network*

Fargo VA Health Care System (VISN 23)  
2101 Elm Street N  
Fargo, ND 58102

April 18, 2024

RE: Ms. Julie Saatoff  
97 23 Ave N  
Fargo ND 58102

TO WHOM IT MAY CONCERN:

Ms. Julie Saatoff has been in supportive therapy with me since May 2022. She is a service-connected Veteran dealing with complications related to her Post Traumatic Stress Disorder and Military Sexual Trauma.

She would very much benefit from having a pergola placed on her deck. She spends a great deal of time in her home and yard. This pergola would enable her and her daughter, who is wheel chair bound, with terminal cancer, to have an enhanced sense of privacy and security. We are requesting you give special consideration to allowing a variance in this unique situation.

Ms. Saatoff has given permission for this request including release her personal information. Please reach back to me if you need additional information. Thanking you in advance.

Sincerely,

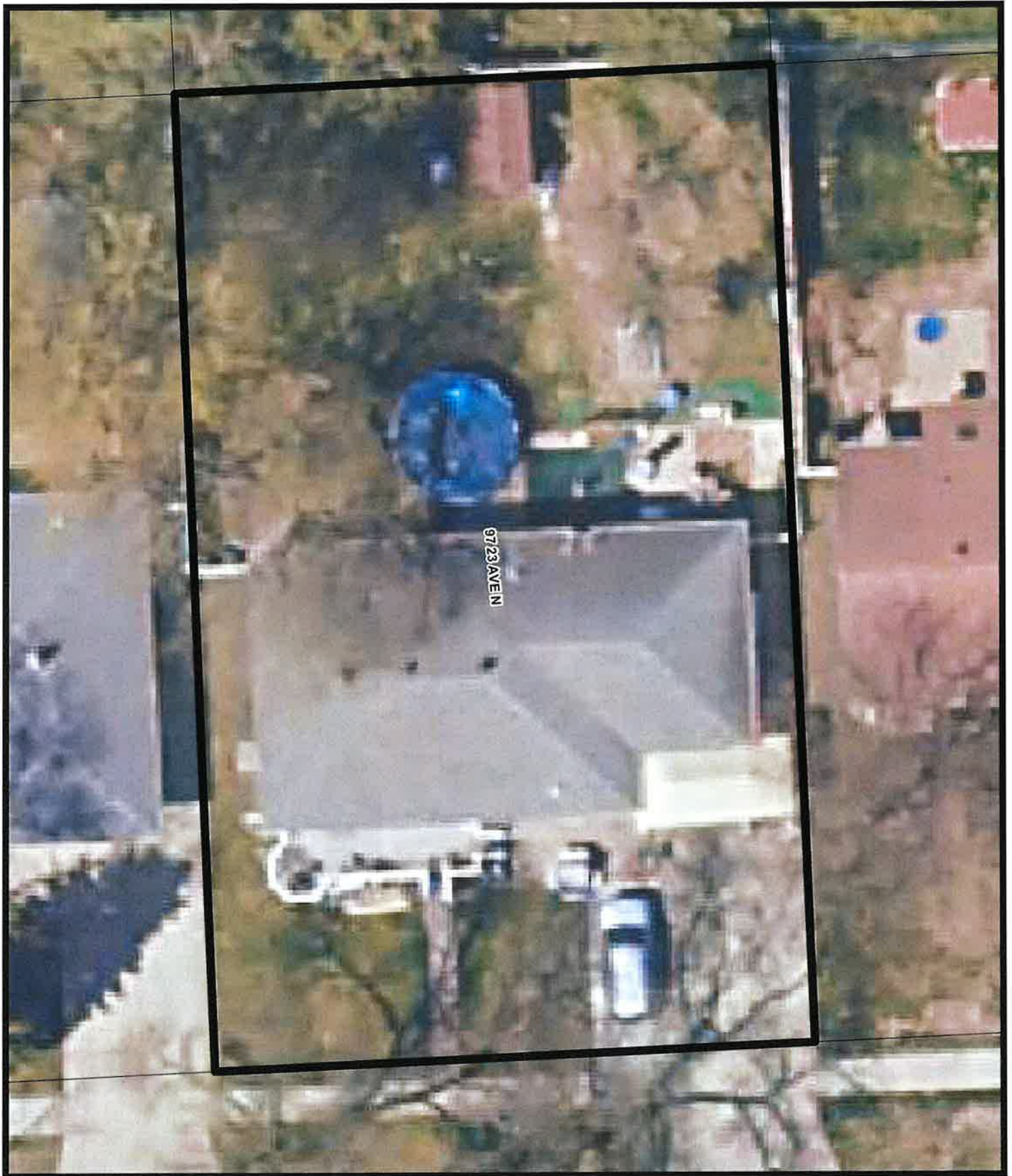
A handwritten signature in cursive script that reads "Ann Adams-Hove".

Ann Adams-Hove, LCSW  
Grief and Loss Counseling  
Fargo VA Health Care System  
2101 Elm Street North  
Fargo ND 58102  
701-239-3700 Ext 4166  
Jacqueline.adams-hove@va.gov









## CITY OF FARGO Board of Adjustment Variance Staff Report

|   |                           |
|---|---------------------------|
| <b>Item No:</b> 2.a   | <b>Date:</b> May 22, 2024 |
| <b>Address:</b> 97 23 Ave N   |                           |
| <b>Legal Description:</b> Lot 6, Block 3, North Park Addition                                       |                           |
| <b>Owner(s)/Applicants:</b> Julie Saatoff   |                           |
| <b>Reason For Request:</b> To allow an overhead structure to encroach in the required Front Setback |                           |
| <b>Zoning District:</b> SR-2, Single Dwelling Residential   |                           |
| <b>Status:</b> Board of Adjustment Public Hearing: May 28, 2024                                     |                           |

| SR-2 Accessory Structure Standards | Proposed Pergola / Cover               |
|------------------------------------|--|
| <b>Front Setback:</b> 30 feet      | <b>Proposed Front Setback:</b> 24 feet |

**Background:**

The applicant proposes to construct an overhead structure (pergola or gazebo) on the subject property within the SR-2 (Single-Dwelling Residential) zoning district. Section 20-0501 of the Land Development Code outlines the Front Setback in the SR-2 zoning district as 30 feet. The applicant is requesting a variance in order to allow an overhead structure (pergola) to provide permanent shade over an existing deck.

**20-0501 Residential District Standards:**

| Dimensional Standard                           | Zoning District   |                      |          |          |                   |                   |                     |                   |                   |                          |                   |
|--|-------------------|----------------------|----------|----------|-------------------|-------------------|---------------------|-------------------|-------------------|--------------------------|-------------------|
|  | AG                | SR-0                 | SR-1     | SR-2     | SR-3              | SR-4              | SR-5 <sup>(B)</sup> | MR-1              | MR-2              | MR-3                     | UMU               |
| Maximum/Minimum Density (UPA - Units per Acre) | 0.1 Max.          | 1.0 Max.             | 2.9 Max. | 5.4 (15) | 8.7 Max.          | 12.1 Max.         | 14.5 Max.           | 16.0 Max.         | 20.0 Max.         | 24.0 <sup>(1)</sup> Max. | 18.0 Min.         |
| Minimum Lot Size                               |                   |                      |          |          |                   |                   |                     |                   |                   |                          |                   |
| Area (Sq. Ft.)                                 | 10 Ac.            | 1 Ac. <sup>(2)</sup> | 15,000   | 2,000    | 5,000             | 3,600             | 3,000               | 5,000             | 5,000             | 5,000                    | 2,420             |
| Width (Ft.)                                    | 200               | 120                  | 80       | 60       | 50 <sup>(2)</sup> | 34 <sup>(2)</sup> | 25                  | 50 <sup>(2)</sup> | 50 <sup>(2)</sup> | 50 <sup>(2)</sup>        | 50 <sup>(2)</sup> |
| Minimum Setbacks(Ft.)                          |                   |                      |          |          |                   |                   |                     |                   |                   |                          |                   |
| Front  | 50 <sup>(2)</sup> | 50                   | 35       | 30       | 20                | 15 <sup>(2)</sup> | 15 <sup>(2)</sup>   | 25                | 25                | 25                       | 10                |
| Interior Side <sup>(2)</sup>                   | 25                | 25                   | 15%/15   | 10%/5    | 10%/5             | 4                 | 4                   | 15%/25            | 15%/25            | 10                       | 5                 |
| Street Side                                    | 25 <sup>(2)</sup> | 25                   | 17.5     | 15       | 12.5              | 10                | 10                  | 12.5              | 12.5              | 12.5                     | 10                |
| Rear   | 50                | 50                   | 25       | 25       | 15                | 15                | 15                  | 20                | 20                | 20                       | 15                |

Section 20-0504(D) *Measurement and Guidance* provides further guidance on these requirements including exceptions that are considered when applying setback regulations:

*Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section. Setbacks must be unobstructed from the ground to the sky except as specified in this section.*

- 1f. *Uncovered porches, uncovered steps to building entrances, uncovered patio decks and uncovered balconies may extend up to 10 feet into any required front, rear or street side setback and up to 3 feet into any required interior side setback.*

The applicant's proposed overhead structure encroaches into the required Front Setback in the SR-2, Single Dwelling zoning district.

**Criteria for Approval & Staff Analysis:**

**§20-0914.E.1 of the LDC states that, "A variance may be granted by the Board of Adjustment upon an affirmative finding that all of the following conditions exist."**

- a. The requested variance arises from conditions that are unique to the subject property not ordinarily found in the same zoning district and are not a result of the owner's intentional action;**  
Staff finds that the requested variance arises from proposed conditions that are self-imposed by the applicant, and does not arise from conditions that are unique to the subject property. **(Criteria NOT satisfied)**
- b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;**  
Staff has no data that would identify an adverse impact to adjacent neighbors with this variance. In accordance with the notification requirements of the LDC, neighboring property owners were provided notice of the variance request. As of the writing of the staff report, staff has not received any comments on this application. **(Criteria satisfied)**
- c. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;**  
Staff finds that strict application of the applicable standards will not constitute an unnecessary physical hardship because the property can be used for single-dwelling household living. Additionally, staff suggests that there are alternative options available for an overhead structure (pergola or gazebo) that would not require the granting of a variance. **(Criteria NOT satisfied)**
- d. The variance desired will not adversely affect the public health, safety or general welfare;**  
Staff has no data that would identify an adverse effect on public health, safety or general welfare. No public health, safety or general welfare issues have been identified. **(Criteria satisfied)**
- e. The variance is the minimum variance that will overcome the hardship;**  
As mentioned above, staff suggests that there is no hardship because the accessory structure is not required for the use and enjoyment of the property for residential household living. However, if a hardship was found to exist, the proposed variance would be the minimum variance needed for the applicant to construct the overhead structure proposed. **(Criteria satisfied)**

**Staff Recommendation:** "To accept the findings of staff and deny the requested variance to allow an overhead structure (pergola or gazebo) encroach in the required Front Setback in the SR-2 zoning district on the basis that the review criteria of Section 20-0914.E.1 (a & c) have not been met."

June 19, 2024

41

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

Re: Flood Project Update and Resolution of Necessity for 1502 and 1514 South  
River Road South (Project #FM-15-J)

Honorable Commissioners:

City staff continues to develop and implement the remaining in-town flood risk management projects necessary for the overall operation of the Fargo-Moorhead Metro Flood Risk Management Project (FM Diversion). At your upcoming City Commission meeting on June 24<sup>th</sup>, we will present a brief update on recently completed projects, projects currently under construction, and the schedule for remaining projects, including the final three property acquisitions.

One of these acquisitions is at 635 Harwood Drive South. The City Commission previously approved a Resolution of Necessity for this property on March 27, 2017. Negotiations with the property owner have been ongoing in the hopes of reaching a price agreement, but to date, staff has been unsuccessful. Therefore, in the event negotiations are not successful, we would start the necessary legal actions as outlined in the previously approved 2017 Resolution of Necessity.

The other two properties, 1502 and 1514 South River Road South, are part of the Belmont Flood Risk Management project (COF #FM-15-J). This project has been in development since late 2015 and has been discussed at several past City Commission meetings, beginning in November 2016 when the recommended alignment was approved. Since then, we have acquired four properties and constructed two phases of the approved project alignment.

On October 22, 2022, another action approved the alignment of a floodwall on the street side of the structure at 1458 South River Road South. Since this approval, staff has continued working with this property owner regarding the alignment and appearance of this floodwall, while preparing to move forward with construction of the remainder of the project once the remaining property rights are acquired.

To complete the remainder of the project, we still need to acquire the properties at 1502 and 1514 South River Road South. Negotiations have been ongoing with these property owners since the alignment approval in 2016, but we have yet to acquire these properties. To ensure project completion before the FM Diversion becomes operational in the spring of 2027, we may need to commence appropriate legal action to acquire these properties.



To initiate the necessary legal action, staff requests that the City Commission consider approving the attached Resolution of Necessity for these two properties.

Please know that staff will continue to negotiate with all three property owners in hopes of reaching an agreement without having to resort in legal action.

Respectfully,



Nathan Boerboom  
Assistant City Engineer

Recommended Motion:

I move to approve the adoption of the Resolution of Necessity pertaining to the acquisition of 1502 South River Road South and 1514 South River Road South.

NAB/jmg  
Attachment

**CITY OF FARGO RESOLUTION OF NECESSITY**

WHEREAS, the city of Fargo is a Municipal Corporation under North Dakota Century Code Chapter 40-06;

WHEREAS, the city of Fargo is vested with the powers enumerated in Chapter 32-15 of the North Dakota Century Code, including the power to secure control of property necessary to create, construct, operate, and maintain flood control and protection projects;

WHEREAS, the Red River of the North, its tributaries, and associated drain system, are prone to frequent flooding which presents significant risk to the inhabitants of the city, property, infrastructure, and the economy of the city of Fargo and the surrounding communities;

WHEREAS, the city of Fargo has identified viable flood control and protection options;

WHEREAS, the city of Fargo has undertaken considerable effort, at considerable expense, to construct flood control and protection projects to protect the city of Fargo from anticipated flood events;

WHEREAS, the city of Fargo, based on information and recommendation provided by the city of Fargo Engineering Department and consulting engineers, have identified properties necessary to be acquired in order to accomplish real and meaningful flood protection to the inhabitants, property, infrastructure, and economy of the city of Fargo; and

WHEREAS, the city of Fargo has, or will, continue to negotiate in good faith to secure the identified necessary properties.

NOW THEREFORE, BE IT RESOLVED THAT the public use for the properties identified is a use provided for by law;

BE IT FURTHER RESOLVED THAT it is necessary for the city of Fargo to acquire the following identified properties to allow for such use as the construction of a flood protection project to protect the city of Fargo:

1502 South River Road South, Fargo, ND 58103

1514 South River Road South, Fargo, ND 58103

BE IT FURTHER RESOLVED THAT the city of Fargo shall proceed with all legal means in accordance with statutes to acquire the necessary properties, including eminent domain pursuant to North Dakota Century Code Chapter 32-15.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

City of Fargo, a municipal corporation

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

ATTEST:

\_\_\_\_\_  
Steve Sprague, City Auditor

June 24, 2024

Board of City Commissioners  
Fargo City Hall  
225 N 4<sup>th</sup> Street  
Fargo, ND 58102

4/2

Dear Commissioners:

Transit recently undertook the task of conducting a study regarding a Transit Reorganization Study which provides short and long-range vision roadmaps for the implementation of a reorganization, while providing solutions to streamline leadership and governance of transit service within the region.

The Transit Reorganization Study process was guided by a committee consisting of technical representatives, as well as city leadership and elected officials representing the City of Fargo and the City of Moorhead alongside state and federal partners.

The study identifies the proposed governance recommendation, the recommended organizational structure/staffing plan, Federal Transit Administration (FTA) funding, FTA reporting requirements, proposed cost sharing concepts and the need for an updated Joint Powers Agreement (JPA).

**Governance Recommendation** – the plan ensures implementation towards more consolidated transit operations for the FM Metropolitan area. The direction is to move to a more administrative/technical board by this summer's end that retains the appropriate measure of visibility to the Fargo City Commission and the Moorhead City Council. The proposed approach allows the new MAT Board to function as more of a day-to-day oversight entity with a mix of both technical, administrative, financial, and political membership. Administrative leadership from the City of Dilworth and West Fargo will serve as voting members on the new MAT Board and would serve as liaisons back their respective governing bodies. Given NDSU's sizable financial stake in MATBUS, they will continue to be afforded a direct vote on the MAT Board.

**Organizational Structure/Staffing** – the plan reflects an agreement on an organizational chart that was developed to account for a more streamlined staffing plan. The proposed structure retains a single Transit Director and keeps the two existing Assistant Directors who would be assigned to each of the two primary functional units of MATBUS: 1) Fleet and Facilities and 2) Operations. The new organizational chart accounts for the retirement of the Moorhead Transit Manager at the end of CY24 with those responsibilities distributed across existing and proposed new staffing positions, including one new Senior Accountant. That position would be a City of Fargo employee, hired in the fall of 2024, who is tasked with all Transit federal and state grants responsibilities and whose costs are shared across all participating entities beginning in CY25. Also identified is the plan to offer the two remaining City of Moorhead Transit employees opportunities to become City of Fargo employees by year end 2024. Lastly, the plan also accounts for the desire to consider bringing in house contracted operator functions (i.e. drivers) to the City of Fargo in 2026.

**Federal Transit Administration (FTA) Funds** provided to the City of Fargo and the City of Moorhead will be impacted due to the FM Metropolitan Area being a newly designated Transportation Management Area (TMA). The decision was made to identify the City of Fargo as the Designated Recipient for all FTA

For Schedule Information: 701-232-7500

6.24.24; Page 2 of 2  
Commission Communication

programs starting in FFY24. The governors of both North Dakota and Minnesota have jointly consented to this transition. This serves to reduce the number of FTA grantees with FTA and over time create a more streamlined process for the distribution of FTA funds to the FM Metropolitan Area. Still to be finalized is how long the City of Moorhead will continue to maintain grantee status with FTA. Creativity and cooperation will be critical to maintaining service levels to the riding public. Both cities need to work together and in cooperation with NDDOT, MnDOT and the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) to utilize the flexibility available through a series of FTA and FHWA funding programs to support public transit services in the FM Metropolitan Area.

**FTA Reporting Considerations** regarding how reporting for key FTA programs need to be handled as the two systems move to a more consolidated operational structure, specifically a single designated recipient, require refinement. Some duplication may continue to occur with certain federal reporting as Moorhead continues to spend down older FTA funds and manages future FTA funds as a direct recipient. However, the streamlined staffing structure proposed in this report will serve to eliminate duplication in efforts Metro Area Transit and likely negates any short-term inefficiencies as the systems continue to streamline and integrate internal operational efforts.

**Cost Sharing** – A new proposed structure was developed to split transit costs and revenue between benefiting parties with the MATBUS service area. The approach to sharing system costs and revenues was revamped to accurately ensure an equal allocation across all benefit entities. Cost sharing principles discussed between the City of Fargo and City of Moorhead boiled down to the development of a new methodology that splits costs either based on ridership, revenue miles or revenue hours. Each of these three metrics are considered relevant to sharing costs for various elements of the MATBUS system. This proposed framework will be implemented initially with the CY25 budget cycles. It is anticipated that these new systems will course correct overtime.

**Joint Powers Agreement (JPA)** – A key next step in the implementation of many of the recommendations and considerations discussed in the study is the development of local agreements, initially in the form of an interim JPA to incorporate the above discussed changes to get to the end of CY24. By that time, it is critical to develop a Memorandum of Understanding (MOU) between the City of Fargo and City of Moorhead to become effective January 1, 2025.

The Transit Reorganization Study will result in organizational changes primarily impacting the organization in 2025 and lays the groundwork for continued discussion, strategizing and coordination between local jurisdictions and state and federal partners.

**Requested motion:** Move to adopt the MATBUS Reorganization Study and approve Transit take implementation steps necessary to address employment matters and interim JPA development for further consideration and approval.

Respectfully,

  
Julie Bommelman  
City of Fargo Transit Director





**FINANCE OFFICE**  
225 4<sup>th</sup> Street North  
Fargo, ND 58102  
Phone: (701) 241-1333  
[www.FargoND.gov](http://www.FargoND.gov)

43

**TO:** Board of Commissioners  
**FROM:** Susan Thompson, Director of Finance  
**RE:** FAHR Staff meeting – Items for Commission Review/Approval  
**DATE:** June 24, 2024

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*Due to lack of agenda items, FAHR did not meet on June 17<sup>th</sup>; however, we are providing the May General Fund financial report and two grant requests for your consideration.*

**Receive & File:** General Fund – YTD May 2024 Budget to Actual

**Action Needed:** Other Financial Considerations  
*Finance and Administration endorse the requests:*

Health – Increase Grant Award to Southeast Human Service Center Contract from \$16,635 to \$18,463

Facilities – Authorize application for the EECGB grant for funding to support sustainability in City operations.

City of Fargo, North Dakota  
**General Fund - Budget to Actual**  
 Unaudited Monthly Financial Statements - Through May 31, 2024  
 Amounts shown in thousands

|  | YTD<br>Budget    |    | YTD<br>Actual |    | YTD<br>Variance |
|--|------------------|----|---------------|----|-----------------|
| <b>REVENUES:</b>                         |                  |    |               |    |                 |
| <b>1</b> Taxes                           | \$ 43,211        | \$ | 42,204        | \$ | (1,007)         |
| <b>2</b> Licenses & Permits              | 2,519            |    | 2,425         |    | (94)            |
| <b>3</b> Intergovernmental Revenue       | 6,987            |    | 6,102         |    | (886)           |
| <b>4</b> Charges for Services            | 5,237            |    | 3,388         |    | (1,849)         |
| <b>5</b> Fines & Traffic Tickets         | 621              |    | 593           |    | (28)            |
| <b>6</b> Interest                        | 1,646            |    | 4,180         |    | 2,534           |
| <b>7</b> Miscellaneous Revenue           | 427              |    | 185           |    | (241)           |
| <b>8</b> Transfers In                    | 5,426            |    | 5,470         |    | 44              |
| <b>Total Revenues</b>                    | <b>\$ 66,074</b> | \$ | <b>64,547</b> | \$ | <b>(1,527)</b>  |
| <b>EXPENDITURES:</b>                     |                  |    |               |    |                 |
| <b>9</b> General Government              | \$ 11,926        | \$ | 11,926        | \$ | -               |
| <b>10</b> Public Safety                  | 20,846           |    | 19,254        |    | 1,592           |
| <b>11</b> Public Works                   | 6,643            |    | 5,559         |    | 1,084           |
| <b>12</b> Health & Welfare               | 6,702            |    | 6,512         |    | 190             |
| <b>13</b> Culture & Recreation           | 2,283            |    | 2,225         |    | 58              |
| <b>14</b> Economic Development           | 211              |    | 90            |    | 121             |
| <b>15</b> General Support                | 507              |    | 554           |    | (47)            |
| <b>16</b> Capital Outlay                 | 93               |    | 170           |    | (77)            |
| <b>17</b> Operating Transfers            | 3,473            |    | 3,542         |    | (69)            |
| <b>18</b> Contingency (Salary Savings)   | (568)            |    | 2             |    | (570)           |
| <b>Total Expenditures</b>                | <b>\$ 52,116</b> | \$ | <b>49,834</b> | \$ | <b>2,282</b>    |
| <b>Revenue Over (Under) Expenditures</b> | <b>\$ 13,958</b> | \$ | <b>14,713</b> | \$ | <b>755</b>      |

- 1** Tax remittance timing issues, expect to catch-up; Mild Jan-Mar resulted in lower utility Franchise Fees.
- 3** YTD state highway funds are trending below budget.
- 4** Timing w/ Fees related to construction.
- 6** Higher interest rates than expected via budget.
- 10** Timing with Fire Station 8 personnel: budget: 7.5 x12 months (Jan-Dec); actual: 15 x6 months July-Dec).
- 11** Mild Jan-Mar: lower snow/street related expenses.
- 18** Est 2024 Salary Savings budgeted here; actual salary savings is reflected within specific departments.



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

**FARGO CASS PUBLIC HEALTH**  
ADMINISTRATION  
1240 25th Street South  
Fargo, ND 58103-2367  
Phone 701.241.1360  
[FargoCassPublicHealth.com](http://FargoCassPublicHealth.com)

**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: DESI FLEMING  
DIRECTOR OF PUBLIC HEALTH**

**DATE: JUNE 12, 2024**

**RE: SOUTHEAST HUMAN SERVICE CENTER CONTRACT  
ADDENDUM TO CHANGE THE CONTRACT AWARD FROM  
\$16,635 TO \$18,463  
RFP23120  
FUNDS: ADDITIONAL FUNDS OF \$  
EXPIRES: 06/12/2024**

The attached addendum is to increase the award to Southeast Human Service Center from \$16,635 to \$18,463 to allow them to purchase more Nicotine Replacement Therapy for their clients. The Tobacco Grant will fund this increase due to excess Tobacco funding that ends 6/30/24.

If you have any questions, please contact me at 241.1380.

**Suggested Motion:**

Move to approve the addendum to the service agreement with Southeast Human Service Center.

DF/lls  
Attachment



**FARGO CASS PUBLIC HEALTH**  
ADMINISTRATION  
1240 25th Street South  
Fargo, ND 58103-2367  
Phone 701.241.1360  
FargoCassPublicHealth.com

24

MEMORANDUM

APPROVED BY THE BOARD  
OF CITY COMMISSIONERS  
9/5/23

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: DESI FLEMING** *DF*  
**DIRECTOR OF PUBLIC HEALTH**

**DATE: AUGUST 16, 2023**

**RE: AGREEMENT FOR SERVICES WITH SOUTHEAST HUMAN  
SERVICE CENTER.  
FUNDS: \$16,635  
EXPIRES: 06/12/2024  
RFP: 23120**

The attached Agreement for Services with Southeast Human Service Center is for working with Fargo Cass Public Health to implement tobacco, prevention, control, and cessation activities.

If you have any questions, please contact me at 241.1380.

**Suggested Motion:**

Move to approve the agreement for services with Southeast Human Service Center.

DF/lls  
Attachment



**PURCHASE OF SERVICE AGREEMENT WITH  
SOUTHEAST HUMAN SERVICE CENTER**

HEALTH PROTECTION & PROMOTION  
TERM: 09/01/2023 TO 06/12/2024 - Page 1 of 2

**THIS AGREEMENT**, effective the 1st day of September 2023, by and between Fargo Cass Public Health (FCPH); and Southeast Human Service Center (Contractor).

**NOW, THEREFORE**, it is hereby agreed by and between the parties here to as follows:

- A. Term of Agreement:** The parties entered into a written agreement for the period of September 1, 2023, through June 12, 2024.
- B. Services to be provided by Contractor:** Working in collaboration with FCPH, the Contractor will function as the Project Manager in implementing tobacco prevention, control, and cessation activities to reduce tobacco-related disparities and social norms among specific population groups. Duties will include making inroads on tobacco cessation treatment with staff that work with youth, provide education materials and interventions, continue to expand tobacco treatment with the adult population, provide nicotine replacement therapy to tobacco users, coordinate tobacco cessation activities, and have staff go through tobacco treatment specialist training.
- C. Reimbursement:** Contractor shall be reimbursed up to \$16,635. This includes \$10,585 for nicotine replacement therapy, \$2,000 for contingency management, \$3,750 for tobacco treatment specialist training, and \$300 for YMCA passes. Invoices must be submitted quarterly. The final invoice is due on June 10, 2024.
- D. Termination:** This Agreement may be terminated by either party upon the giving of thirty (30) days written notice.
- E. Confidentiality:** Contractor agrees to not, directly or indirectly, disclose, make known, divulge, publish, or communicate any individually identifiable health information or other confidential information to any person, firm, or corporation without consent unless that disclosure is authorized under North Dakota law.
- F. Progress Reports:** FCPH shall throughout the effective dates of this Agreement, conduct ongoing evaluation of the Contractor's performance in carrying out their tobacco prevention, control, and cessation services. Such evaluation may include, but not be limited to, periodic visits by departmental representatives to review progress made by Contractor in accomplishing stated goal/objectives. The contractor will submit written reports and forms provided by FCPH. Progress reports shall be submitted by the first Monday of each month, and quarterly with the final report due on June 10, 2024.

**Special Considerations:**

- A.** It is understood and agreed that the relationship created by this Agreement shall be that of independent contractor and contractee that shall not be deemed an employee of FCPH for any other purpose.
- B.** The laws of the State of North Dakota shall govern this Agreement. I hereby certify that the above assurances and provisions of service have been reviewed and our agency has agreed upon the conditions as set forth.
- C.** It is understood any forms or paperwork required by FCPH and the City of Fargo to receive payment for services will be completed as needed.




**PURCHASE OF SERVICE AGREEMENT WITH  
SOUTHEAST HUMAN SERVICE CENTER**

HEALTH PROTECTION & PROMOTION  
TERM: 08/08/2023 TO 09/18/2023 - Page 2 of 2

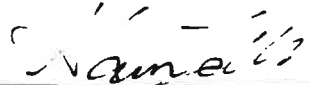
In Witness thereof, this Purchase of Service Agreement has been executed between the Contractor and FCPH on the date executed below.

**FARGO CASS PUBLIC HEALTH**

By   
Desi Fleming, Director of Public Health

Date 08/29/2023

**SOUTHEAST HUMAN SERVICE CENTER**

By   
Name: Alanna Zeller  
Title: Interim Regional Director

Date 08/29/2023

By   
Timothy J. Mahoney, Mayor, City of Fargo

Date 9/5/23



**PURCHASE OF SERVICE ADDENDUM WITH  
SOUTHEAST HUMAN SERVICE CENTER  
HEALTH PROTECTION & PROMOTION  
TERM 09/01/2023 TO 06/12/2024 · Page 1 of 1**

**THIS AGREEMENT ADDENDUM**, by and between Fargo Cass Public Health (FCPH); and Southeast Human Service Center (Contractor). There has been a change in the dollar amount for reimbursement only. The term of agreement, services provided by contractor, termination, confidentiality, progress reports, and special considerations from the original contract has not changed.

**NOW, THEREFORE**, it is hereby agreed by and between the parties here to as follows:

- A. **Reimbursement:** Contractor shall be reimbursed up to \$18,463. This reimbursement has changed from the original agreement of \$16,635 to include an additional \$1,828 for nicotine replacement therapy, contingency management, tobacco treatment specialist training, and for YMCA passes. Invoices must be submitted quarterly. The final invoice is due on June 10, 2024.

**FARGO CASS PUBLIC HEALTH**

**SOUTHEAST HUMAN SERVICE CENTER**

*Desi Fleming*  
\_\_\_\_\_  
Desi Fleming, Director of Public Health

\_\_\_\_\_  
Name:

Title:

06/11/2024  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Timothy J. Mahoney, Mayor, City of Fargo

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
[Steven Sprague], City Auditor

# Memorandum

**To:** Board of City Commissioners  
**From:** Bekki Majerus, Director of Facilities Management  
**Date:** June 19, 2024  
**Re:** EECGB Grant Submission

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On April 17, 2023 Bruce Grubb presented the opportunity to apply for the Energy Efficiency and Conservation Block Grant (EECGB) to the Commission. The Commission approved submission of the Pre-Award Information Sheet. That Pre-Award Information Sheet was submitted and the City was notified that we are eligible to submit the formal grant application. The City has been allocated direct grant eligibility in the amount of \$176,940.

There are a number of eligible use areas for the funding. A small workgroup from the Sustainability and Resiliency Committee was formed to determine what items we would use the funding for. The following three activities were selected:

- Replacing an aged roof top unit at Municipal Court
- Installing window tint on the second and third floors of City Hall
- Implementation of a Computerized Maintenance Management System (CMMS) for Facilities Management

The new roof top unit for Municipal Court will have current energy efficient technology. The window tint provides energy savings through solar heat rejection reducing the need for mechanical cooling. The CMMS system will better manage preventive maintenance and capital replacement activities for building systems. This ensures older more inefficient equipment is replaced with cleaner energy efficient equipment.

The EECGB does not *require* a match from the City of Fargo. After additional investigation, it has been determined that the best route for a CMMS is subscription based. This significantly reduces the initial implementation cost from approximately \$200,000 to only \$65,000 - \$85,000 depending upon the software selected. This also eliminates the need for in house IT resources to maintain the software and reduces the risk of outdated firmware. The ongoing annual commitment would be approximately \$15,000. Once implemented, the CMMS system will improve energy and cost efficiency and offset the ongoing funding needed to support the CMMS.

**Requested Action:**

Authorize the application for the EECGB grant for funding to support sustainability in City operations.

June 19, 2024

44

Honorable Board of City Commissioners  
City of Fargo  
225 North Fourth Street North  
Fargo, ND 58102

Re: Presentation on Homeless Camps in the City of Fargo

Dear Commissioners:

On June 10th, the Commission requested that City staff provide a summary of potential policy and ordinance recommendations to formally manage homeless camps for unhoused individuals to align to the Housing First philosophy and practice. The Commission discussed including a future statement of support for the Housing First philosophy within this process.

Currently, the City of Fargo does not have an ordinance that addresses camping on public property. At the June 24, 2024 Commission meeting, Chandler Esslinger, Community Liaison FCPH Harm Reduction Division, and I will step through our proposed process of managing homeless camps, potential ordinance updates and supporting resolution. We will also discuss the Housing First philosophy and its associated framework to start placing unhoused individuals into permanent, supportive housing and the removal of camps.

Respectfully Submitted,



Brenda Derrig, PE  
Assistant City Administrator