

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, September 19, 2022).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Receive and file an Ordinance Relating to the International Building Code (Child Care Facility Bathtub/Shower Requirements).
- 2. 1st reading of an Ordinance Relating to Impounded Animals-Procedure for Impounding.
- 3. 2nd reading and final adoption of an Ordinance Relating to Wildlife Management Program-Regulations.
- 4. Findings of Fact, Conclusions and Order and Notice of Entry of Order for property at 924 5th Street South.
- 5. Applications for Games of Chance:
  - a. NDSU Saddle and Sirloin for a raffle board on 11/2/22.
  - b. Becky Atkins Benefit/DMF for a raffle on 11/10/22; Public Spirited Resolution.
  - c. Fargo Angels Hockey Club for a calendar raffle from 1/1/23 through 1/31/23 (daily).
  - d. United Way of Cass-Clay for a raffle on 10/31/22.
  - e. United Way of Cass-Clay for a raffle board on 10/20/22.
  - f. Project Pink for a raffle on 10/13/22.
- 6. Third Amendment to Lease Agreement with Downtown Community Partnership.
- 7. Second Amendment to Service Agreement with Granicus, LLC.
- 8. Change Order No. 3 in the amount of \$6,782.31 for Project No. UR-21-A1.
- 9. Rejection of bids for Project No. FM-21-A1.
- 10. Additional funds for the Mercantile PD Substation and Interstate Parking Offices build out in the amount of \$59,373.00.
- 11. Bid award and contract for PD Headquarters Media Room expansion (RFP22106).
- 12. Contract Amendment with EAPC for the remodeling of Fire Station No. 2 and construction of Fire Station No. 8 (RFQ22059).

- Page 213.
13. Agreement for Services with Fargo-Moorhead Metropolitan Council of Governments.
  14. Notice of Grant Award with the ND Department of Health and Human Services for Community Coalition (CFDA #93.991).
  15. Notice of Grant Award Amendment with the ND Department of Health and Human Services for the WIC program (CFDA #10.557).
  16. Amendment to the Agreement for Services with Annie Wood.
  17. Agreement for Services with AE2S Communications
  18. Increase the vacation maximum accrual carryover to 320 hours and a one-time vacation payout based on the proposed tiered system.
  19. Dental Insurance renewal effective 1/1/23.
  20. Set October 17, 2022 at 5:15 p.m. as the date and time for a hearing on a dangerous building at 509 21st Street North.
  21. Resolutions Approving the following Plats:
    - a. Simonson Companies Third Addition.
    - b. Timber Parkway Eighth Addition.
    - c. Timber Parkway Ninth Addition.
    - d. Craigs 16th Street Addition.
    - e. Peterson Second Addition.
  22. Receive and file the August 2022 Traffic Enforcement Efforts.
  23. ND Department of Transportation Traffic Safety Contract for Click It or Ticket, Speed Enforcement, Distracted Driving Enforcement, Alcohol Enforcement, Underage Enforcement and Media (CFDA #s 20.616 and 20.600) and Agreement for Participation in the ND Highway Safety Plan.
  24. Bid award for the Fargo Police Department Indoor Firearms Range Upgrade (RFP22100).
  25. Third Addendum to Sewer Agreement with the City of Reile's Acres.
  26. Contract with Ambassador Cleaning for Custodial Services at the Ground Transportation Center and Metro Transit Garage (RFP22167).
  27. Bid advertisement for Project No. WA2158.
  28. Sole Source Procurement with Ovivo USA, LLC in the amount of \$653,800.00 for Project No. WA2152.
  29. Change Order No. 1 in the amount of \$1,125.00 for Project No. WA2005.
  30. Bills.
  31. Change Order No. 3 in the amount of \$85,025.01 for Improvement District No. BN-22-A1.
  32. Negative Final Balancing Change Order No. 1 in the amount of -\$16,657.35 for Improvement District No. BN-21-B1.

- Page 33.
33. North Dakota Department of Transportation Cost Participation, Construction and Maintenance Agreement LPA Federal Aid Project (Improvement District No. BN-23-A1).
  34. Permanent Easement (Sanitary Sewer) with the ND State Board of Higher Education on Behalf of North Dakota State University Agriculture and Applied Science (Improvement District No. BN-22-C1).
  35. Create Improvement District No. BN-23-A.
  36. Contract and bond for Improvement District No. BN-22-C1.

**REGULAR AGENDA:**

37. **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)).**
38. **\*Public Input Opportunity\* - PUBLIC HEARINGS - 5:15 pm:**
  - a. CONTINUED to 10/17/22 - Special Assessment List for Business Improvement District (BID) fees.
  - b. CONTINUED TO 10/17/22 - Special Assessment of unpaid utility bills.
  - c. Hearing on a dangerous building located at 2315 2nd Avenue South; continued from the 9/6/22 Regular Meeting.
  - d. Hearing on a dangerous building located at 714 12th Street North.
  - e. Application for a Class "FA" Alcoholic Beverage License for Puerto Vallarta LLC d/b/a Puerto Vallarta to be located at 4323 45th Street South, Suite 101.
  - f. Application filed by Roosevelt Family Lofts, LLC for a Payment in Lieu of Tax Exemption (PILOT) for a project to be located at 711 10th Avenue North which the applicant will use for market rate multi-family housing and property management services; continued from the 8/22/22, 9/6/22 and 9/19/22 Regular Meetings.
39. Presentation of alternatives for the property located at 1458 South River Road South.
40. Request to acquire 714 12th Street North.
41. Recommendation for 2nd reading and final adoption of an Ordinance Relating to Use and Care of Streets and Sidewalks.
42. Downtown Updates from the Downtown Community Partnership.
43. Downtown Safety Update.
44. Request from the Downtown Neighborhood Association to provide input/feedback on issues in Downtown.
45. Adopt the 2023 City of Fargo budget and proposed tax levies.

- Page 46. Applications for Property Tax Exemptions for Improvements Made to Buildings:
- a. Andrew and Katie Doeden, 2913 Peterson Parkway North (5 year).
  - b. Roger Buerkle and Laurie Vangsness, 3738 15th Street South (5 year).
  - c. C/D PKP Properties LLC, 1106 4th Avenue South (5 year).

47. Recommendation for appointments to the Human Rights Commission.

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).



## Fargo Inspections

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

380

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### Memorandum

DATE: September 28, 2022  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Shawn Ouradnik, Inspections Director  
SUBJECT: Dangerous Building Notice and Order at 2315 2 Ave S., Fargo, ND 58103

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The property owner of 2315 2 Ave S, 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 21-0405, a hearing date is scheduled for October 3, 2022.

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 November 14, 2022. Please direct the appropriate staff to secure the removal of this building at that time.**

**Property Information:** Building is currently vacant and uninhabitable due to condition of structure. Deterioration is extensive.

**Description:** 988 square foot single story structure with basement and attached 2 stall garage built in 1958.

**Location:** 2315 2 Ave S Fargo ND

**Description of damage:**

- Furnace is inoperable
- NE corner of basement wall has brace failure with significant movement
- Unpermitted wiring
- Extreme deteriorated of overhead garage door header
- Squirrel infestation of garage attic
- Unpermitted work( Basement bathroom)
- Loose bricks on the chimney
- Deteriorated areas of the exterior (weather barrier)
- Junk
- Graffiti
- Squatters

**Timeline for events:**

6/27/2022 – Inspection of interior and exterior

6/29/2022 – Notice of Dangerous Building with conditions found posted and sent

8/1/2022 – Building Secured by owner

8/6-8/8/2022– Building Re-secured by owner

8/10/2022 – Notice of Dangerous Building reposted

8/12/2022 – Met city assessor on site for inspection

8/15/2022 – Deputy Assessor determined building does not exceed 50% of True & Full value

8/21/2022 – Notice of Dangerous Building Hearing – Order to Show Cause sent to Mayor and City Commission

9/21/2022 – Notice of Dangerous Building Hearing – Order to Show Cause posted and sent

10/3/2021 – Dangerous Building hearing

**Additional Information:**

**Police Call History:** As of 9/26/2022 26 calls for service at property since 11/7/2018.

# Fargo Inspections

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



## NOTICE OF DANGEROUS BUILDING

TO: Sara Sabo  
2832 Longfellow Rd N  
Fargo ND 58102

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 2315 2 Ave S, and is located on that tract of land in the city of Fargo, more particularly described as follows: **Block 7, Lot 7, Egbert, Oneil+Haggarts Addition** (hereinafter referred to as "the building")
3. That an inspection was made of the building on 5/17/22 and 6/17/22 by Bill Thompson, Building Inspector of the City of Fargo.
4. That the building inspector for the City of Fargo has found the building, consisting of a single-story, wood-framed structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and the 2021 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 Property Maintenance 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 29th day of June, 2022.

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

Dated this 29th day of June, 2022.



**Conditions Found Statement**

On 5/17/22 and 6/17/22, Building Inspector Bill Thompson, was present at 2315 2 Ave S, Fargo, ND to address a rental inspection. The following violations were found:

- Furnace is inoperable
- NE corner of basement wall has brace failure with significant movement
- Unpermitted wiring
- Extreme deteriorated of overhead garage door header
- Squirrel infestation of garage attic
- Unpermitted work( Basement bathroom)
- Loose bricks on the chimney
- Deteriorated areas of the exterior (weather barrier)
- Junk
- Graffiti
- Squatters

The following action must be taken:

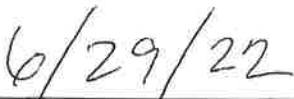
- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structure within the deadline provided in this notice.



Bill Thompson  
Building Inspector  
City of Fargo, ND



Shawn Ouradnik  
Inspections Director



Date Signed

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: Finding and Determination of Unsafe Structure, Order to Vacate, Secure Building and Make Repairs – Notice of Right to Appeal – 2315 2 Ave S, Fargo ND 58103**

**CM Receipt#: 9214 8901 9403 8381 0071 33**

Dawn Lovett, being first duly sworn and being of legal age, deposes and says that on the 29<sup>th</sup> day of June, 2022, she served the attached notice, upon Sara Sabo by placing true and correct copies thereof in an envelope addressed as follows:

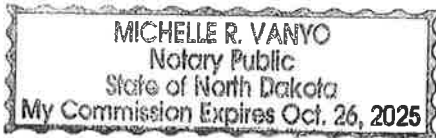
Sara Sabo  
2832 Longfellow Rd N  
Fargo ND 58102

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

  
\_\_\_\_\_  
Dawn Lovett

Subscribed and sworn to before me this 29<sup>th</sup> day of June, 2022.

(SEAL)



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

**AFFIDAVIT OF SERVICE**

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

**Re: Posting of Dangerous Building Notice – 2315 2 Ave S, Fargo, ND 58102**

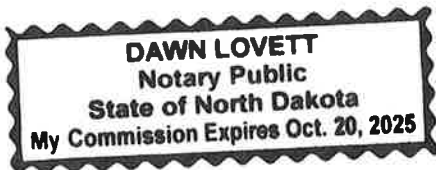
**CM Receipt#: 9214 8901 9403 8381 0071 33**

Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 29<sup>th</sup> day of June 2022, he posted the attached notice upon the front door of the house located at the following address:

2315 2 Ave S  
Fargo, ND 58103

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

Subscribed and sworn to before me this 29<sup>th</sup> day of June, 2022.



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

(SEAL)

**PROOF OF ACCEPTANCE  
(ELECTRONIC)**

PRODUCED DATE: 07/01/2022

CITY OF FARGO:

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

9214 8901 9403 8381 0071 33

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

DELIVERED LEFT WITH INDIVIDUAL FARGO,ND 58102 07/01/2022

ORIGINAL INTENDED RECIPIENT:

SARA SABO

2832 LONGFELLOW RD N

FARGO ND 58102-1717




Mailer: City of Fargo

Date Produced: 07/04/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8381 0071 33. Our records indicate that this item was delivered on 07/01/2022 at 10:24 a.m. in FARGO, ND 58102. The scanned image of the recipient information is provided below

Signature of Recipient :

  
S SABO

Address of Recipient :

2832 LONGFELLOW

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:

SARA SABO  
2832 LONGFELLOW RD N  
FARGO ND 58102-1717

Customer Reference Number: C3522729.20706941

City of Fargo  
225 4th Street N.  
Fargo ND 58102

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USPS CERTIFIED MAIL



9214 8901 9403 8381 0071 33

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SARA SABO  
2832 LONGFELLOW RD N  
FARGO ND 58102-1717



**ASSESSOR'S OFFICE**

Fargo City Hall  
225 4<sup>th</sup> Street North  
Fargo, ND 58102  
Phone: 701.241.1340 | Fax: 701.241.1339  
[www.FargoND.gov](http://www.FargoND.gov)

**MEMORANDUM:**

DATE: 08/15/2022  
TO: Shawn Ouradnik, Inspections Director  
FROM: Michael Splonskowski, Assessor  
SUBJECT: 2315 2 Ave S

On August 12, 2022, I viewed the interior of 2315 2<sup>nd</sup> Ave S.

My calculations indicate that the cost to cure the deterioration of the subject building is less than 50% of the most recent certified True & Full Improvement Value of the dwelling.



## Fargo Inspections

City of Fargo  
225 Fourth Street North  
701-241-1561  
Fax: 701-476-6779

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### MEMORANDUM

TO: Board of City Commissioners  
FROM: Inspections Director Shawn Ouradnik,  
DATE: August 22, 2022  
SUBJECT: Dangerous Building Notice and Order at 2315 2nd Avenue South

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The property owner of 2315 2nd Avenue South, Fargo 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 21-0405, a hearing date is scheduled for Tuesday, September 6, 2022.

**RECOMMENDED MOTION:** To schedule a Public Hearing for Tuesday, September 6, 2022 for the property located at 2315 2nd Avenue South, Fargo.





# Fargo Inspections

City of Fargo  
225 Fourth Street North  
701-241-1561  
Fax: 701-476-6779

9/11/22

Requested

on continuance until

10/3/22  
KS

## MEMORANDUM

TO: Board of City Commissioners  
 FROM: Inspections Director Shawn Ouradnik,  
 DATE: August 26, 2022  
 SUBJECT: Dangerous Building Notice and Order at 2315 2<sup>nd</sup> Avenue South

The property owner of 2315 2<sup>nd</sup> Avenue South, Fargo 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 21-0405, a hearing date is scheduled for Monday, October 3rd, 2022.

**RECOMMENDED MOTION:** To schedule a Public Hearing for Monday, October 3rd, 2022 for the property located at 2315 2<sup>nd</sup> Avenue South.



# Fargo Inspections

City of Fargo  
225 Fourth Street North  
701-241-1561  
Fax: 701-476-6779

*9/11/22*

*Requested*

*on continuance until*

*10/3/22  
KS*

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## MEMORANDUM

TO: Board of City Commissioners  
FROM: Inspections Director Shawn Ouradnik,  
DATE: August 26, 2022  
SUBJECT: Dangerous Building Notice and Order at 2315 2<sup>nd</sup> Avenue South

---

The property owner of 2315 2<sup>nd</sup> Avenue South, Fargo 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 21-0405, a hearing date is scheduled for Monday, October 3rd, 2022.

**RECOMMENDED MOTION:** To schedule a Public Hearing for Monday, October 3rd, 2022 for the property located at 2315 2<sup>nd</sup> Avenue South.

Error found  
Corrected sent 9-21-22

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



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

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**Date: September 19, 2022**

**Location: 2315 2<sup>nd</sup> Ave S., Fargo, ND 58102**  
**Property Owner: 701 Brew LLC**  
**Address of Property Owner: 824 8<sup>th</sup> St S., Fargo, ND 58103-2722**  
**Inspector: Fargo, ND 58103-2722**  
**Date of Posting: 5/17/22**

**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 2315 2<sup>nd</sup> Ave S., Fargo, ND has been scheduled for, Monday, October 3rd, 2022 at 5:00PM. The hearing will take place in the City Commission Chambers, located at 225 4<sup>th</sup> Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend.

Dated on this 19<sup>th</sup> day of September, 2022.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a diagonal stroke and a small dot.

---

Shawn Ouradnik  
Inspections Director

**AFFIDAVIT OF SERVICE**

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


**Re: Posting of Dangerous Building Notice – 2315 2 Ave S., Fargo, ND 58103**

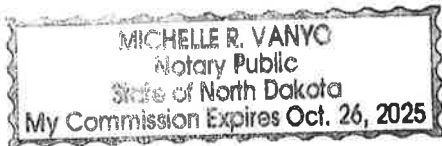
20 Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the day of September, 2022, he posted the attached notice upon the front of the building located at the following address:

2315 2 Ave S.  
Fargo, ND 58103

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

Subscribed and sworn to before me this 20 day of August, 2022.

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



(SEAL)

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



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

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**Date: September 21, 2022**

**Location: 2315 2<sup>nd</sup> Ave S., Fargo, ND 58102**

**Property Owner: Sara Sabo**

**Address of Property Owner: 2832 Longfellow Rd N, Fargo, ND 58102-1717**

**Inspector: Bill Thompson**

**Date of Posting: 5/17/22**

**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 2315 2<sup>nd</sup> Ave S., Fargo, ND has been scheduled for, Monday, October 3rd, 2022 at 5:00PM. The hearing will take place in the City Commission Chambers, located at 225 4<sup>th</sup> Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend.

Dated on this 21<sup>st</sup> day of September, 2022.

A handwritten signature in black ink, appearing to be 'S. Ouradnik', written above a horizontal line.

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Shawn Ouradnik  
Inspections Director

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: NOTICE OF DANGEROUS BUILDING HEARING – ORDER TO SHOW CAUSE,  
– 2315 2<sup>nd</sup> Ave S, Fargo, ND 58103  
CM Receipt#: 9214 8901 9403 8390 3822 21**

Shannon Kay Rieman, being first duly sworn and being of legal age, deposes and says that on the 21<sup>st</sup> day of September, 2022, she served the attached notice, upon SARA SABO, by placing true and correct copies thereof in an envelope addressed as follows:

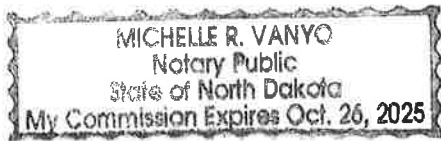
SARA SABO  
2832 Longfellow Rd N  
Fargo, ND 58102

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

Shannon Kay Rieman  
Shannon Kay Rieman

Subscribed and sworn to before me this 28 day of September, 2022.

(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® employee with this form.

Shipment Date: 09/21/2022  
 Shipped From:  
 Name: CITY OF FARGO  
 Address: 225 4 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 0039 4442 18



Firm Mailing Book For Accountable Mail®

Name and Address of Sender

CITY OF FARGO  
225 4 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

1. 9214 8901 9403 8390 3822 21

Addressee (Name, Street, City, State, & ZIP Code™)

SARA SABO  
2832 LONGFELLOW RD N  
FARGO ND 58102-1717

Postage

0.57

(Extra Service) Fee

4.00

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

Total Number of Pieces Listed by Sender  
1

Total Number of Pieces Received at Post Office  
1

Postmaster, Per (Name of receiving employee)

**PROOF OF ACCEPTANCE  
(ELECTRONIC)**

PRODUCED DATE: 09/24/2022

CITY OF FARGO:

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

9214 8901 9403 8390 3822 21

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

DELIVERED LEFT WITH INDIVIDUAL FARGO,ND 58102 09/24/2022

ORIGINAL INTENDED RECIPIENT:

SARA SABO

2832 LONGFELLOW RD N

FARGO ND 58102-1717



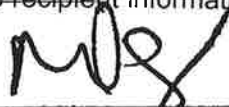
Mailer: City of Fargo

Date Produced: 09/26/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8390 3822 21. Our records indicate that this item was delivered on 09/24/2022 at 11:11 a.m. in FARGO, ND 58102. The scanned image of the recipient information is provided below.

Signature of Recipient :

  
\_\_\_\_\_  
SARA SABO

Address of Recipient :

\_\_\_\_\_  
2832 LONGFELLOW

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:

SARA SABO  
2832 LONGFELLOW RD N  
FARGO ND 58102-1717

Customer Reference Number: C3696773.21956548



# FARGO POLICE DEPARTMENT

## Summary

Print Date/Time: 09/28/2022 11:23  
 Login ID: cityoffargo\kspielman  
 Case Number: 2022-00055505

FARGO POLICE DEPARTMENT  
 ORI Number: ND0090200

### Case

Case Number: 2022-00055505  
 Location: 2315 2ND AVE S  
 FARGO, ND 58103  
 Reporting Officer ID: 517 - Novacek

Incident Type: Trespass  
 Occurred From: 08/07/2022 11:00  
 Occurred Thru: 08/07/2022 11:30  
 Disposition: Arrested - Both CA & SA  
 Disposition Date: 08/23/2022  
 Reported Date: 08/07/2022 11:19 Sunday

### Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	ND	35A	19-03.1-23(1)(a)	POSS W/ INTENT MANUF/DELIVER-METHAMPHETAMINE	1
2	ND	35A	19-03.1-23(1)(b)	POSS W/INTENT MANUF/DELIVER-MARIJUANA	1
3	ND	90J	12.1-22-03(1)	CRIMINAL TRESPASS (FC)	1
4	ND	88B	WARRANT LOCAL	WARRANT LOCAL	1
5	ND0090200	90Z	100303	OBSTRUCTING PUBLIC OFFICER	1

### Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Mentioned	1	FLAMMOND, SIERRA SKYE	[REDACTED] FARGO, ND 58103	[REDACTED]	Indian/Alaska n Native	Female	[REDACTED] 1997 25
Suspect	1	WARSAME, AHMED ADEN	[REDACTED] FARGO, ND 58102	[REDACTED]	Black	Male	[REDACTED] 1986 36
Suspect	2	BROWN, AMBROSE FELIX	[REDACTED] MOORHEAD, MN 56560	[REDACTED]	Indian/Alaska n Native	Male	[REDACTED] 1991 31
Victim	1	SOCIETY					
Victim	2	CHAVEZ, NICHOLAS HENRY	[REDACTED] FARGO, ND 58102	[REDACTED]	White	Male	[REDACTED] 1982 40

### Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
73545 A	BROWN, AMBROSE FELIX	2315 2ND AVE S FARGO, ND 58103	08/07/2022 11:48	On-View	31
73546 A	WARSAME, AHMED ADEN	2315 2ND AVE S FARGO, ND 58103	08/07/2022 12:10	On-View	36

### Property

Property

# FARGO POLICE DEPARTMENT

## Summary

Print Date/Time: 09/28/2022 11:23  
 Login ID: cityoffargo\kspielman  
 Case Number: 2022-00055505

FARGO POLICE DEPARTMENT  
 ORI Number: ND0090200

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
08/07/2022	Seized	Identity Documents			ND ID with name "Sheekhey Muzambe"		
08/07/2022	Evidence	Drug/Narcotic Equipment			plastic bag filled with plastic bags		
08/07/2022	Seized	Drugs/Narcotics			Cigar filled with .4 grams of marijuana		
08/07/2022	Seized	Drugs/Narcotics			SMALL PLASTIC BAG CONTAINING 3.5 GRAMS		
08/07/2022	Seized	Drugs/Narcotics			PLASTIC BAG CONTAINING 20.9 GRAMS OF SUSPECTED METH		
08/07/2022	Seized	Drugs/Narcotics			PLASTIC CAN CONTAINING MARIJUANA		
08/07/2022	Seized	Drugs/Narcotics			PLASTIC BAGS WITH 58.1 GRAMS OF SUSPECTED MARIJUANA		

### Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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### Routing:

- Evidence.com Docs - Not Sent
- Evidence.com Docs - Sent
- Evidence.com Docs Exist
- US Attorney
- LaserFiche Documents Exist
- LaserFiche Documents - Not Sent
- LaserFiche Documents - Sent
- State Medical Examiner
- Probation & Parole
- Rape & Abuse
- Juvenile Court
- Social Services
- City Attorney
- States Attorney

**SUP004\_08/08/2022\_MANDERSON**

22-55505  
MANDERSON  
SUPPLEMENT 004

On August 7th, 2022 at 1119 Hrs., Officers were dispatched to 2315 2nd Ave. S for a report of people entering a condemned house. Two people were detained by Officers that were described by the caller leaving the house.

I, Sergeant Michael Anderson, arrived on scene. I called the property owner, Nick Chavez, at [REDACTED] I advised him who I was and asked him what he wanted done. I asked him if we had permission to enter the house and arrest any trespassers inside. Chavez said we could. I also asked if any doors were locked if we would be allowed to breach those doors to carry out our lawful objective of clearing his property. Chavez said we could.

I assembled a team of 3 other Officers to enter with myself. I had 2 Officers armed with less lethal capabilities and 2 of us were armed with lethal capabilities. I had Officer Fugleberg knock and announce. No one came to the door after 20 seconds. The door was locked so I utilized a ram to open the door.

Officers cleared the structure and no one was located inside. There was strong odor of freshly burned marijuana.

While on scene there was a male in a black shirt that was on the sidewalk. I asked him if he needed anything or saw anything. I couldn't interpret if he was just curious or trying to be adversarial with us.

That same male, later identified as Farhan Muqadim later wanted to file a complaint on an Officer. That complaint was investigated by myself and was found to be a statement interpreted out of context. Once the context was explained to Muqadim, he was satisfied and no complaint was filed.

End supplement

Jb



**CORRECTED FPD ARREST REPORT\_WARSAME**

**Fargo Police Department  
ARREST REPORT**

ICR No. 2022-00055505

Last Name WARSAME		First AHMED		Middle Aden		Alias									
Address [REDACTED]		City FARGO		State ND		Zip 58103		Phone No. [REDACTED]							
DOB [REDACTED] 1986	Age 40	Race [REDACTED]	Sex Male	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]	Build	Compl.						
Social Security Number		OLN [REDACTED]		State KS		Scars, Marks, Tattoos									
Date and Time Booked					Place of Birth										
Employer			Address			Phone #									
Next of Kin						Relationship									
Address						Phone #									
Victim (if applicable)						Address									
Address						Phone #									
Time/Date of Arrest 08/07/2022 12:10			Location 2315 2ND AVE S			Arresting Officer 517 Novacek									
Charge			NDCC/Ordinance #			Jurisdiction		Amount of Bail Set							
1. ND188B WARRANT LOCAL			WARRANT LOCAL					\$400							
2. ND0090200\90Z 1100303\OBSTRUCTING PUBLIC OFFICER								\$100							
3.															
4.															
5.															
City	State		Federal			On View			Warrant			Citizen			Total
1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5		
<b>Jail Booking Information</b>															
<b>To be completed by Arresting/Transport Officer</b>															
1. Has arrestee been using drugs or alcohol? YES / NO      BAC @ TOA      Time Taken      Drugs															
2. Are you aware if arrestee has any medical problems? YES / NO      6. Arrestee involved in accident or physical altercation? YES / NO      Med. Clr Y / N															
3. Did arrestee use a weapon during commission of this crime? YES / NO      7. Has arrestee made suicidal comments or signs of suicidal behavior? YES / NO															
4. Has arrestee shown behavior that makes him/her escape risk? YES / NO      8. Does arrestee have any observable mental health problems? YES / NO															
5. Has arrestee been resistive or exhibited violent behavior? YES / NO — If "YES", was force used during the arrest? YES / NO															
Explain any "YES" answers to the above and note any other information.															
<b>FOR CORRECTIONS USE ONLY</b>															
INMATE IS ACCEPTED / DENIED										DATE: _____ TIME: _____					
SIGNATURE _____					REASON FOR DENIAL: _____					INITIAL PLACEMENT: _____					
Incident Report Made: YES NO (Circle One) If No, give brief details of arrest:										Car video related to case? YES NO All squad car numbers recording video evidence: OFFICER(S) MUST ARCHIVE FOOTAGE WITH CASE NUMBER					
										Vehicle Information: (Impounded) (Accident Lot) (Left at Scene)					
Bail Required			(Full) (15%) (PR)			Arrestee in Jail (YES) (NO)			Time/Date Released			Time/Date to Appear			
Person Released To					Relationship			Address			Phone #				
Releasing Officer							Supervisor								

White Copy to Records

Yellow Copy to Municipal Court

Pink Copy to Jail

**Fargo Police Department  
ARREST REPORT**ICR No. 2022-00055505**NARRATIVE**

**Ahmed gave me several false names. As we were pulling into the Jail, Ahmed said his name was Ahmed Bile Warsame, which had a hit for Fargo PD warrant for FTA on DUS. Which is believed to be correct.**

**There was another Fargo Jacket with the name Ahmed Aden Warsame, which has previous mugshots from Ahmed in the Cass County Jail. It should be noted, the OLN under Ahmed Aden Warsame [REDACTED] comes back to a completely different person, according to the ID/DL photo.**

**There is no North Dakota return under the name Ahmed Bile Warsame. I have not yet seen any sort of Government ID that proves Ahmed is who he claims to be.**

**\*CCSO Deputies confirmed the person is Ahmed Aden Warsame DOB [REDACTED] 1986.**

**SUP005\_08/08/2022\_GRANBERG**

22-55505  
GRANBERG  
SUPPLEMENT 005

The arrest report for Ahmed Warsame has been corrected with the correct name.

Per Blake Fidler at Cass County Jail Warsame admitted to using the incorrect name. Officers arrested him under the name Ahmed Bile Warsame, dob [REDACTED]/1982. He later admitted to jail staff that his name was Ahmed Aden Warsame, dob [REDACTED]/86. This email has been added to Laserfiche.

End of supplement

**SUP006\_8/9/2022\_FALCONNIER**

22-55505  
FALCONNIER  
SUPPLEMENT 006

On 08/07/22 at 1129 hours, I, Officer Timothy Falconnier, was dispatched to 2315 2nd Ave, S, for a burglary in progress.

When I arrived on scene, Detective Ehresman told me that a male wearing red had just fled on foot east bound. At the same time dispatch indicated that a witness saw a male running north east from the address.

I located a male directly north east of the call address, walking in between two houses. He looked nervous, and when I tried to make contact with him he was not initially cooperative. I gave him verbal commands to stop and to drop the items he was holding in his hands, and he at first refused. I drew my taser and continued to give him verbal commands which he eventually followed. He was detained, handcuffed, and placed in the back of squad 55.

I recited Miranda to him, and he stated he understood. He identified himself as Ambrose Brown, and I confirmed that by looking at prior booking photos. Brown admitted to being inside the house that we were called to. He claimed he was helping a friend named Kevin Metcalf move out of the house.

While speaking with brown, I observed the strong odor of Marijuana coming from my back seat. I asked if he had Marijuana in his pockets, and he admitted he did. He told me it was in his left pants pocket. I searched that pocket and located a small amount of Marijuana in a bag, and another small plastic bag that appeared to contain Meth Amphetamine.

Brown had prior convictions for possession of a controlled substance, and was placed under arrest. At jail I searched the backpack that he was wearing at the time of his arrest, and located more Marijuana and Meth Amphetamine.

In Brown's back pack, I located many bags containing different amounts of Marijuana. The total weight of which was around 80 Grams. I also located several bags that contained Meth Amphetamine, the total weight of which was around 20 Grams. I also located a digital scale, and many unused

plastic baggies. Based on my training and experience, the amount of narcotics, how they were packaged, the scale and extra bags, I believe that Brown possessed the narcotics with the intent to distribute them.

I asked Brown about the narcotics, and he claimed he was an addict, and they were all for personal use.

All the contraband was logged into evidence.

## SYNOPSIS

On 08/07/22, I Officer Novacek, along with Officers Falconnier, Durr, Hinz, Wahl, Mandour, Hjelden, Lane Anderson, Investigator Erhesman, and Sergeant Mike Anderson, were dispatched 2315 2nd Ave S, for a report of trespassing in progress.

The caller, identified as Sierra Flammond, called dispatching saying she had just seen a silver SUV pull into the driveway at this address and four people had gotten out of the vehicle and entered the residence.

Sierra described the individuals as a black male wearing dark clothing and a hate, a short Native American female wearing a red shirt. Sierra also stated the driver of the silver SUV was a black male wearing all red with the number "1" on the back wearing a black red and white baseball hat, and another native female.

As more officers arrived on scene, one male, wearing a red back pack fled north bound from the address, he was apprehended by Officer Falconnier. While I was speaking with the driver of the vehicle, a black male wearing a red shirt, red shorts, and a black, white and red hat came walking from the back of the house into the street.

As I was detaining him, the female driver of the silver SUV took off from the residence, running a stop sign as she left.

The male I detained, Ahmed Bile Mohamed, was arrested for Obstruction of a public Officer and his Fargo warrant. Officer Falconnier arrested Ambrose Brown for possession of meth, later finding large amount of drugs at the jail.

See narrative and supplements.

## NARRATIVE

On 08/07/2022, I, Officer Novacek, along with several other Fargo Officers, were dispatched to 2315 2nd Ave S, for a report of trespassing. This address has been condemned by the City of Fargo, and the previous renter of the home has been out of the residence since June.

The caller, Sierra Flammond, stated a silver SUV had just pulled into the driveway, with four people inside. She described the driver of that SUV as a black male, wearing red shorts, red shirt with the number "1" on the back and a white, black, and red baseball hat.

Also inside the vehicle was another dark skinned male, wearing dark clothing, and two Native American females, one with medium length dark hair and a red shirt.

Sierra said all four individuals went into the residence and she was currently watching it from her apartment. Investigator Ehresman arrived on scene first, observing the silver SUV still inside the driveway.

When I arrived on scene, I observed the SUV in the driveway and made contact with a female sitting in the drivers seat. She stated she was here with "some friends" helping her uncle move out.

While I was speaking with her, the caller, who was still watching from her apartment, said one of the males was running north from the residence. I stayed with the female while Officer Falconnier and Investigator Ehresman chased the male, eventually catching him.

While I was speaking with the female, she called her uncle, who was allegedly just here and trying to remove property. She had him on video chat, but he didn't speak with me. While I was trying to get information from him, I noticed a male, wearing red shorts, red shirt, and red hat walking from behind the residence.

When I turned to confront the male, he had already made it to the street. I told him to stop and detained him, as he matched the description given by the caller and was clearly coming from behind the residence.

I advised him of Miranda and placed him in the back seat of my squad car. I attempted to identify the male, but he gave me multiple false names. He first said his name was Sami K Mohamed, which didn't come back on file.

He also identified himself as Warsme Ahmed, and several other names, all with different birthrates. I placed him under arrest for Obstruction of a public Officer and transported him to jail.

Just before we got to Jail, he told me his name was Ahmed Bile Mohamed, which came back with a local jacket through Fargo Police. There was also another name Ahmed Aden Mohamed, which had the males picture with a different date of birth.

At this time it is unclear what the male's actual name is, as he has multiple different alias's some with booking photos. A triple I was completed, showing the male has used approximately 6 different names, several different social security numbers, has multiple FBI ID's as well as 4 different State ID numbers.

There was also at least one other charge in Iowa City for this male for obstruction. It is clear this male has a long and documented history of providing a false name. I have not yet seen an official government identification for the male.

He was booked into the Cass County Jail as Ahmed Bile Mohamed, and arrested for a Fargo Failure to Appear warrant for DUS.

Ahmed also tried to show me a North Dakota ID with the name "Sheekhy Muzambe" on it. That was seized and logged into evidence under this ICR.

Officer Falconnier discovered his arrestee, Ambrose Brown, had a large amount of narcotics and para on his person.

After clearing the jail, I confirmed with the property manager for this address, Nicholas Chavez, that the property has been condemned by the City and the resident has been out since June.

See supplements.



FPD Arrest Report BROWN, Officer: CITYOFFARGO\falconnier, Supervisor: CITYOFFARGO\MYsteboe, Merged By: CITYOFFARGO\jdriscoll

Fargo Police Department  
ARREST REPORT

ICR No. 2022-00055505

Last Name BROWN		First AMBROSE		Middle FELIX		Alias	
Address [REDACTED]		City MOORHEAD		State MN		Zip 56560-	
DOB [REDACTED] 1991		Age 31	Race [REDACTED]	Sex [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]
Social Security Number [REDACTED]		OLN [REDACTED]		State ND		Scars, Marks, Tattoos	
Date and Time Booked				Place of Birth			
Employer						Address	
Next of Kin						Relationship	
Address						Phone #	
Victim (if applicable)						Address	
Time/Date of Arrest 08/07/2022 11:48						Location 2315 2ND AVE S	
Charge						Arresting Officer 804 Falconnier	
1. ND\35A \19-03.1-23(1)(a)\POSS W/INTENT MANUF/DELIVER-METHAMPHETAMINE						Jurisdiction	
2. ND\35A \19-03.1-23(1)(b)\POSS W/INTENT MANUF/DELIVER-MARIJUANA						Timothy	
3.						Amount of Bail Set	
4.						TOA	
5.						TOA	
City		State		Federal		On View	
Warrant		Citizen		Total			
1 2 3 4 5		1 2 3 4 5		1 2 3 4 5		1 2 3 4 5	
To be completed by Arresting/Transport Officer							
1. Has arrestee been using drugs or alcohol? YES / NO		BAC @ TOA		Time Taken		Drugs	
2. Are you aware if arrestee has any medical problems? YES / NO		6. Arrestee involved in accident or physical altercation? YES / NO		Med. Clr Y / N			
3. Did arrestee use a weapon during commission of this crime? YES / NO		7. Has arrestee made suicidal comments or signs of suicidal behavior? YES / NO					
4. Has arrestee shown behavior that makes him/her escape risk? YES / NO		8. Does arrestee have any observable mental health problems? YES / NO					
5. Has arrestee been resistive or exhibited violent behavior? YES / NO - If "YES", was force used during the arrest? YES / NO							
Explain any "YES" answers to the above and note any other information.							
FOR CORRECTIONS USE ONLY							
INMATE IS ACCEPTED / DENIED				DATE: _____ TIME: _____			
SIGNATURE _____				REASON FOR DENIAL: _____			
Incident Report Made: YES NO (Circle One) If No, give brief details of arrest:				INITIAL PLACEMENT:			
				Car video related to case? YES NO			
				All squad car numbers recording video evidence:			
				OFFICER(S) MUST ARCHIVE FOOTAGE WITH CASE NUMBER			
				Vehicle Information: (Impounded) (Accident Lot) (Left at Scene)			
Bail Required		(Full) (15%) (PR)		Arrestee in Jail (YES) (NO)		Time/Date Released	
Person Released To		Relationship		Address		Time/Date to Appear	
Releasing Officer				Supervisor		Phone #	

White Copy to Records

Yellow Copy to Municipal Court

Pink Copy to Jail

**Fargo Police Department  
ARREST REPORT**

ICR No. 2022-00055505

**NARRATIVE**

**VIDEO: SQUAD 55.**

**MEDICAL: BULLET IN FOOT.**

**EMERGENCY: NONE.**

**WORK: NONE.**

**BORN: MINNEAPOLIS.**

**GANGS: NONE.**

**FPD Arrest Report\_WARSAME, Officer: CITYOFFARGO\jnovacek, Supervisor: CITYOFFARGO\MyStebae, Merged By: CITYOFFARGO\jdriscoll**

**Fargo Police Department  
ARREST REPORT**

ICR No. 2022-00055505

Last Name WARSAME		First AHMED		Middle BILE		Alias																																																																																													
Address ██████████		City FARGO		State ND		Zip 58103																																																																																													
Phone No. ██████████		DOB ██████ 1982		Age 40		Race ██████																																																																																													
Sex Male		Height ██████		Weight ██████		Hair ██████																																																																																													
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5. Has arrestee been resistive or exhibited violent behavior? YES / NO -- If "YES", was force used during the arrest? YES / NO		Explain any "YES" answers to the above and note any other information.																																																																																																	
<b>FOR CORRECTIONS USE ONLY</b>																																																																																																			
INMATE IS ACCEPTED / DENIED				DATE: _____ TIME: _____																																																																																															
SIGNATURE _____				REASON FOR DENIAL:		INITIAL PLACEMENT:																																																																																													
Incident Report Made: YES NO (Circle One) If No, give brief details of arrest:				Car video related to case? YES NO All squad car numbers recording video evidence: OFFICER(S) MUST ARCHIVE FOOTAGE WITH CASE NUMBER																																																																																															
				Vehicle Information: (Impounded) (Accident Lot) (Left at Scene)																																																																																															
Bail Required (Full) (15%) (PR)		Arrestee in Jail (YES) (NO)		Time/Date Released		Time/Date to Appear																																																																																													
Person Released To		Relationship		Address		Phone #																																																																																													
Releasing Officer				Supervisor																																																																																															

White Copy to Records

Yellow Copy to Municipal Court

Pink Copy to Jail

**Fargo Police Department  
ARREST REPORT**

ICR No. 2022-00055505

**NARRATIVE**

**Ahmed gave me several false names. As we were pulling into the Jail, Ahmed said his name was Ahmed Bile Warsame, which had a hit for Fargo PD warrant for FTA on DUS. Which is believed to be correct.**

**There was another Fargo Jacket with the name Ahmed Aden Warsame, which has previous mugshots from Ahmed in the Cass County Jail. It should be noted, the OLN under Ahmed Aden Warsame [REDACTED] comes back to a completely different person, according to the ID/DL photo.**

**There is no North Dakota return under the name Ahmed Bile Warsame. I have not yet seen any sort of Government ID that proves Ahmed is who he claims to be.**

**SUP001\_8/7/2022\_EHRESMAN**

22-55505  
EHRESMAN  
SUPPLEMENT 001

On 8/7/2022 at around 1126 hours, I, Inv Tammy Ehresman, arrived in the area of 2315 2nd Ave S for suspicious activity.

This address is unoccupied but the caller stated that there was a white vehicle and possible gold minivan outside with people entering the home.

I saw the gold minivan stopped in the street near the home but no one left or entered the vehicle. The van then turned south onto 23rd St. The van pulled over to the side and I stopped to speak to the driver. He was looking for the apartment building parking lot that was across the street from the target residence.

A female was seen near the white SUV with ND [REDACTED] and walking up to the front door and entering the residence. A short time later, the female was behind the wheel of a white SUV in the driveway. Officer Novacek approached the vehicle to speak with the female. The r/o is not the same female seen in the vehicle.

As I was walking up to assist Officer Novacek, dispatched aired that a male was seen running from the back of the residence and headed north east by the alley. I saw a male with red, either a shirt or backpack at the alley and headed east. Officer Falconnier located the male. I then assisted Officer Falconnier in detaining the male. It should be noted that I could smell marijuana coming from the male. He had a red backpack with him. He was placed in the back of Officer Falconnier's squad car. I then went back to the residence and secured the north east corner of the residence on perimeter. Other officers arrived to clear the residence. Residence was clear of any other people and I then cleared the scene.

BWC and squad 72 video.

**SUP002\_8/7/2022\_LANDERSON**

22-55505  
L. ANDERSON  
SUPPLEMENT 002

On 08/07/2022 at 1141 hours I, Officer Lane Anderson, responded to 2315 2nd Avenue South for trespassers inside an abandoned house.

I arrived on scene and assisted Officer Falconnier with his arrestee, Ambrose Brown. Officer Falconnier was conducting a search incident-to-arrest and handed me the contents of Ambrose's left pocket.

This included a baggy of a strong-smelling, green herb which I believed to be marijuana; a small baggy of clear, shard-like substances, which I believed to be methamphetamine; and a large baggy of clear, shard-like substance which I also believed to be methamphetamine.

I stored these substances in a paper envelope and placed them in the enclosed trunk of Squad 55, which is Officer Falconnier's squad car and where Ambrose was held inside of.

I then conducted a search of Ambrose's right side and located a small, clear glass pipe approximately 1-2 inches in length. I asked Ambrose what this pipe was and he did not respond.

I then stood by with Ambrose near Squad 55 as officers cleared the residence. Once this was complete, I left.

This ends my involvement with this incident.

**SUP003\_8/7/2022\_DURR**

22-55505  
DURR  
SUPPLEMENT 003

On 08-07-2022 at approximately 1119 hours, I, Officer Terresa Durr, along with several other officers, responded to suspicious people at 2315 2 Ave S. The caller saw people entering this house, which is condemned. I was aware that officers had been at the house on 08-06-2022 (22-55334) for the same thing and arrested a person from there.

As I was responding, I heard Dispatch say the caller saw a male with a red backpack jump the fence and was running down the alley. I heard Officer Tim Falconnier call out that he was with the male but no location given. Dispatch relayed that they thought he was by Simonson's Lumber. When I got into the area, I drove west on 1 Ave S towards 24 St S. I was looking in the back lot (east and south side of Simonson's Lumber) trying to locate Officer Falconnier. As I headed south on 24 St S from 1 Ave S and looking to the west, I heard Officer Tammy Ehresman say she was out with Officer Falconnier and that they had the male detained.

I then pulled up and parked in the 100 block 24 St S on the northwest corner of 2315 2 Ave S which is the backyard. I saw Officer Jon Novacek was talking to a male wearing red. I saw Officer Novacek was putting the male's hands behind his back. I then heard Officer Novacek tell the male to stop as the male took a step forward. I heard Officer Novacek tell the male that he was being detained. I went up and assisted Officer Novacek as he handcuffed the male and then brought the male to his vehicle. The male kept telling us that he had just finished eating breakfast with his family at the restaurant a block away.

After I finished assisting Officer Novacek, I asked over the radio if I should contact the keyholder, Nick Chavez (REDACTED). I was asked to do so. I was able to get a hold of Chavez on the phone at 1139 hours and let him know we were at 2315 2 Ave S with possible people inside. I asked Chavez if he would be able to come over or give officers permission to go inside of the house. Chavez said that he was out of town and actually driving back. Chavez said that officers had his permission to go inside the house to check for people. I asked Chavez if he wanted to press charges on anyone that we found inside and Chavez said he did. Once I was off the phone with Chavez, I relayed over the radio to the officers on scene,

that we had permission to go in. A short time later, Sgt Michael Anderson asked if Chavez could be called again to see if he wanted to press charges on people found inside. I let Sgt Anderson know that Chavez had already said he did want to press charges.

I positioned myself on the northwest corner of the backyard so that I could keep an eye on the north and west side of 2315 2 Ave S. I stayed at that location until officers had finished clearing the inside of the house and garage. Once that was done, I cleared from the scene.

BWC available.



# FARGO POLICE DEPARTMENT

## Summary

Print Date/Time: 09/28/2022 11:25  
 Login ID: cityoffargokspielman  
 Case Number: 2022-00055334

FARGO POLICE DEPARTMENT  
 ORI Number: ND0090200

### Case

<b>Case Number:</b> 2022-00055334 <b>Location:</b> 2315 2ND AVE S FARGO, ND 58103 <b>Reporting Officer ID:</b> 526 - Gustafson	<b>Incident Type:</b> Burglary <b>Occurred From:</b> 08/06/2022 17:24 <b>Occurred Thru:</b> 08/06/2022 17:24 <b>Disposition:</b> Arrested - State's Attorney <b>Disposition Date:</b> 08/09/2022 <b>Reported Date:</b> 08/06/2022 17:24 Saturday
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### Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	ND	90J	12.1-22-03(2)(a,b)	CRIMINAL TRESPASS (MA)	1
2	ND	90Z	12.1-08-11	REFUSING TO HALT	1
3	ND	90Z	12.1-11-03	FALSE INFO/REPORT TO LAW ENF	1
4	ND	35B	19-03.4-03(2)	UNLAWFUL POSS DRUG PARA-USE-SI, SII, SIII	1

### Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	ABDIRAHMAN, SAKARI AIDARUS	[REDACTED] FARGO, ND 58102	[REDACTED]	Black	Male	[REDACTED] 2001
Victim	1	CHAVEZ, NICHOLAS HENRY	[REDACTED] FARGO, ND 58102	[REDACTED]	White	Male	[REDACTED] 1982
Victim	2	SOCIETY					40

### Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
73544 A	ABDIRAHMAN, SAKARI AIDARUS	5TH AVE S / 22ND ST S FARGO, ND 58103	08/06/2022 18:39	On-View	20

### Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
08/06/2022	Seized	Luggage			ONE BLUE BACKPACK WITH MISC ITEMS TO INCLUDE A CELL PHONE INSIDE		
08/06/2022	Seized	Weapons - Other			ONE BLACK FOLDING KNIFE DROPPED BY UNKNOWN SUSPECT		
08/06/2022	Seized	Drug/Narcotic Equipment			ONE BLUE STRAW WITH SUSPECTED OPIATE DRUG RESIDUE		
08/06/2022	Seized	Drug/Narcotic Equipment			SMALL PLASTIC BUNDLE WITH METH INSIDE WEIGHING 0.4 GRAMS		
08/06/2022	Seized	Drug/Narcotic Equipment			3 PIECES OF TINFOIL WITH BURNT DRUG RESIDUE		

### Vehicles

# FARGO POLICE DEPARTMENT

## Summary

**Print Date/Time:** 09/28/2022 11:25  
**Login ID:** cityoffargo\kspielman  
**Case Number:** 2022-00055334

FARGO POLICE DEPARTMENT  
**ORI Number:** ND0090200

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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**Routing:**

- Evidence.com Docs - Not Sent
- Evidence.com Docs - Sent
- Evidence.com Docs Exist
- US Attorney
- LaserFiche Documents Exist
- LaserFiche Documents - Not Sent
- LaserFiche Documents - Sent
- State Medical Examiner
- Probation & Parole
- Rape & Abuse
- Juvenile Court
- Social Services
- City Attorney
- States Attorney

**SUP001\_8/7/2022\_PERSSON**

22-55334  
PERSSON  
SUPPLEMENT 001

**ADDED SEIZED PROPERTY:**

SMALL PLASTIC BINDLE WITH METH INSIDE WEIGHING 0.4  
GRAMS  
SUSPECT: SAKARI ABDIRAHMAN

ONE BLUE STRAW WITH SUSPECTED OPIATE DRUG RESIDUE  
INSIDE  
SUSPECT: SAKARI ABDIRAHMAN

ONE BLACK FOLDING KNIFE DROPPED BY UNKNOWN  
SUSPECT

ONE BLUE BACKPACK WITH MISCELLANEOUS ITEMS TO  
INCLUDE A CELL PHONE INSIDE  
OWNER: UNKNOWN

On 8/6/2022, at 1725 hours, I, Officer Persson, was dispatched to 2315 2<sup>nd</sup> Ave S for a possible burglary in progress.

When I arrived on scene, I initially stood near the southwest corner of the house at the intersection of 24<sup>th</sup> St and 2<sup>nd</sup> Ave on the northwest side of the intersection. I stood there until additional officers could arrive on scene. At that point, we then opened the approach and opened up the front door. I then began to make commands for whoever was inside to make their presence known. I was able to hear movement from inside the house. Officers called out that individuals were trying to get outside of the house. That is when Officer Gustafson called out that there were individuals running southeast from our location and had made it outside of our perimeter. Officers continued to clear the rest of the house and we were unable to find anyone else inside.

After clearing the house we went back out to the garage where officers had possibly seen narcotics, paraphernalia, and a left behind backpack. Upon going out to the garage officers did find all of these to include the plastic bindle of meth, burnt tinfoil, blue straw, and the backpack. I seized all these pieces as evidence and ultimately logged them at the Police Department along with a black folding knife, Sergeant Fauske had seen fall off a male who had ran from him but was not located. I was on scene while officers were attempting to locate the individuals and had called out a foot pursuit. The one male was detained and ultimately arrested, who was Sakari Abdirahman. Additionally there was a male that was with him that had fled from officers and was not able to be located again. Ultimately, officers then broke down the perimeter after not being able to locate the male.

I then went to Officer Gustafson who was at the corner of 22<sup>nd</sup> St and 5<sup>th</sup> Ave S. She said that she was going to arrest the male for the burglary amongst other charges, including refusal to halt and giving a false name. While speaking with Officer Gustafson, Officer Gustafson then gave me possession of the knife that Sergeant Fauske had located. Sergeant Fauske at that time then told me that he found it after it fell off the male that had ran from him. I then followed Officer Gustafson to the Cass County Jail where Sakari was booked in on his charges and then I went to the Police Department to log in the evidence.

This is going to complete my involvement and supplement in reference to 22-55334.

KZ

**SUP002\_8/7/2022\_ODONNELL**

22-55334  
O'DONNELL  
SUPPLEMENT 002

On 8/6/2022 at 1720 hours officers were dispatched to a possible Burglary at 2315 2<sup>nd</sup> Avenue South. This house is, apparently, abandoned, but has been frequently entered by other various individuals.

I took up post on the north side of the house. I did speak to a neighbor to the north, he indicated people are in and out of there all the time. As I was on the north side of the house other officers set up a perimeter as well, and eventually began clearing it after speaking to the owner of the house.

During the time it was being cleared, a couple of individual had made their way out of the house through unknown means, I believe it was through the garage door. This area was not adequately covered. The apparently ran to the east. Officer did not give chase as they were out of view by the time any of us would have gotten back to our cars. The house was searched by other officers.

I was then requested to do CSI duties as there were narcotics in the garage. Upon contacting Officer Persson, the primary Officer for this incident, he indicated that we could just do CSI in the garage as that's where the narcotics were located. I took CSI photos of the outer portion of the house as well as the inside of the garage. The narcotics were, apparently, located in a bag that were sitting on a couch in the garage. I did not do any further photographs of the bag, nor did I photograph any of the contents. Other officers were going to search and go through that.

I uploaded these photograph to evidence.com, via zip file, later in the night.

End of supplement.

kjs

## SYNOPSIS

On 08/06/2022 the vacant house at 2315 2nd Ave S was entered by two males. They did not have permission to be there.

As officers made announcements and commanded the people inside to show themselves the two males ran from the garage. They passed several marked police cars and we were all in full uniform.

They were later located a few blocks away. Sakari Abdirahman was detained but his friend ran from Sgt. Fauske. We have yet to identify this male.

Sakari provided a false name at first and never admitted to being inside the house but my squad car video showed him very well as one of the males that ran away. Sakari did say he had been using meth when I asked in order to deduce if we needed medical clearance. He was not showing signs of being high but was coughing a lot.

Evidence was collected and logged by Ofc. Persson.

See narrative.

**NARRATIVE**

On 08/06/2022 at about 1730 hours I, Officer Gustafson, responded to 2315 2nd Ave S for a possible burglary.

Neighbors reported seeing two males breaking into the vacant house at this address. The property owner is Nicholas Chavez who was contacted and said no one should be in the house and no one is currently living there.

We had a two man perimeter and a four man entry team and announcements were given, "Fargo Police, and for "whoever is inside to show themselves". Immediately there was a loud noise from inside but no one answered or came out where we could see them. As soon as we began to enter the house a neighbor got our attention by yelling and pointing. I looked and two males, one wearing bright blue shorts, a black tshirt, and with afro type hair and the other, tall, skinny wearing a beanie, a navy blue sweater, and black pants were running past the squad cars (all marked) and headed south east. They had halfway opened the garage door to escape. This is all captured on fleet video of squad 63.

We cleared the house and no one else was located. Officer Persson remained on scene to collect a backpack left in the garage, where the males had come from, as well as a small amount of suspected meth and paraphernalia.

I searched the area for the males and located them at the intersection of 5th Ave S and 22nd St S. I approached and they stopped when asked. Sgt. Fauske arrived shortly and I asked the male in blue shorts to sit in my car while Sgt. Fauske took the other. As soon as my male was in the car I saw the other male running and Sgt. Fauske chasing him north. They quickly disappeared behind the houses on the east side of 22nd St S. I remained with the detained male and held a perimeter spot at this intersection. Sgt. Fauske returned with a black folding knife and a butane torch which the suspect had dropped. Officer Persson also took these to log them as evidence.

I mirandized the male and explained why he was detained. He at first denied knowing what I was talking about but when I said I had him on video running away from the house his shoulders slumped and he gave in. He provided a name of "Mohamud A Ahmed (12/19/2001)". This did not come back on file. He said he had a ND driver's license. He did not have an ID on his person to verify this. He then respelled it, "Mohamed A Ahmed"

which also did not come back. Finally, he asked what he had to do to "get out of here" and I told him I needed his name. He then said his name was Sakari A. Abdirahman (12/19/2001). This did come back on file and his DL photo matched. When asked why he had lied to me he said "because I was pissed at you".

Sakari claimed only to know the other male as "Abdi" and did not know where he lived, why he would run away, or where he would go.

Sakari was placed under arrest. Based on the presence of narcotic para I asked Sakari if he had been using tonight and he said "yes" he had used meth.

He was transported to Cass Co Jail without issue.

See supplements.



FPD Arrest Report, Officer: CITYOFFARGO\jgustafson, Supervisor: CITYOFFARGO\Myteboe, Merged By: CITYOFFARGO\jdriscoll

Fargo Police Department ARREST REPORT

ICR No. 2022-00055334

Last Name ABDIRAHMAN		First SAKARI		Middle AIDARUS		Alias																		
Address [REDACTED]		City FARGO		State ND		Zip 58102																		
DOB [REDACTED]/2001		Age 20	Race [REDACTED]	Sex Male	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]																	
Social Security Number [REDACTED]		OLN [REDACTED]		State ND	Scars, Marks, Tattoos																			
Date and Time Booked				Place of Birth																				
Employer		Address			Phone #																			
Next of Kin				Relationship																				
Address				Phone #																				
Victim (if applicable)				Address																				
Time/Date of Arrest 08/06/2022 18:39				Location 5TH AVE S		Arresting Officer 526 Gustafson Jennifer																		
Charge				NDCC/Ordinance #		Jurisdiction																		
1. ND190J \12.1-22-03(2)(a,b)\CRIMINAL TRESPASS (MA)						Amount of Bail Set																		
2. ND190Z \12.1-08-11\REFUSING TO HALT																								
3. ND190Z \12.1-11-03\FALSE INFO/REPORT TO LAW ENF																								
4. ND135B \19-03.4-03(2)\UNLAWFUL POSS DRUG PARA-USE-SI, SII, SIII																								
5.																								
City		State		Federal		On View																		
1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	Citizen	Total			
Jail Booking Information										To be completed by Arresting/Transport Officer														
1. Has arrestee been using drugs or alcohol? YES / NO										BAC @ TOA					Time Taken					Drugs				
2. Are you aware if arrestee has any medical problems? YES / NO										6. Arrestee involved in accident or physical altercation? YES / NO										Med. Clr Y / N				
3. Did arrestee use a weapon during commission of this crime? YES / NO										7. Has arrestee made suicidal comments or signs of suicidal behavior? YES / NO														
4. Has arrestee shown behavior that makes him/her escape risk? YES / NO										8. Does arrestee have any observable mental health problems? YES / NO														
5. Has arrestee been resistive or exhibited violent behavior? YES / NO — If "YES", was force used during the arrest? YES / NO																								
Explain any "YES" answers to the above and note any other information.																								
INMATE IS ACCEPTED / DENIED										FOR CORRECTIONS USE ONLY														
SIGNATURE _____										REASON FOR DENIAL: _____														
DATE: _____										TIME: _____														
INITIAL PLACEMENT:																								
Incident Report Made: YES NO (Circle One) If No, give brief details of arrest:										Car video related to case? YES NO All squad car numbers recording video evidence: OFFICER(S) MUST ARCHIVE FOOTAGE WITH CASE NUMBER														
Vehicle Information: (Impounded) (Accident Lot) (Left at Scene)																								
Bail Required (Full) (15%) (PR)					Arrestee in Jail (YES) (NO)					Time/Date Released					Time/Date to Appear									
Person Released To					Relationship					Address					Phone #									
Releasing Officer										Supervisor														

White Copy to Records

Yellow Copy to Municipal Court

Plnk Copy to Jail

**Fargo Police Department  
ARREST REPORT**

ICR No. 2022-00055334

**NARRATIVE**

**VIDEO SQUAD 63**

**MEDICAL: ADMITTED TO USING METH PRIOR TO ARREST. TOLD JAIL HE HAD USED "2 HOURS AGO"**

**POB: MINNEAPOLIS, MN**

**NOK: MOM, HALIMO, [REDACTED]**

**NOT EMPLOYED**

**NO GANG**

**NO SCAR/TATTOO**

**ARRESTED AFTER BREAKING INTO A VACANT HOUSE ON PRIVATE PROPERTY AND RUNNING AWAY WHEN POLICE ANNOUNCED AND TOLD THEM TO SHOW THEMSELVES. LIED TO ME ABOUT HIS NAME. SEE CASE REPORT.**

# FARGO POLICE DEPARTMENT

## Summary

Print Date/Time: 09/28/2022 11:26  
 Login ID: cityoffargo\kspielman  
 Case Number: 2022-00036262

FARGO POLICE DEPARTMENT  
 ORI Number: ND0090200

### Case

Case Number: 2022-00036262  
 Location: 2315 2ND AVE S  
 FARGO, ND 58103  
 Reporting Officer ID: 534 - Robinson

Incident Type: Fire - Other  
 Occurred From: 05/31/2022 12:21  
 Occurred Thru: 05/31/2022 12:21  
 Disposition: Arrested - City Attorney  
 Disposition Date: 06/23/2022  
 Reported Date: 05/31/2022 12:21 Tuesday

### Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	ND0090200	86F	90701	VIOLATION OF FIRE CODE	1

### Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	METCALF, KEVIN JOHN	[REDACTED]	[REDACTED]	Indian/Alaska n Native	Male	[REDACTED] 1981
Victim	1	SOCIETY	FARGO, ND 58103				40

### Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
73116 A	METCALF, KEVIN JOHN		06/23/2022 09:00	Complaint Signed	40

### Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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### Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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# FARGO POLICE DEPARTMENT

## Summary

**Print Date/Time:** 09/28/2022 11:26  
**Login ID:** cityoffargo\kspielman  
**Case Number:** 2022-00036262

FARGO POLICE DEPARTMENT  
**ORI Number:** ND0090200

**Routing:**

- Evidence.com Docs - Not Sent
- Evidence.com Docs - Sent
- Evidence.com Docs Exlst
- US Attorney
- LaserFiche Documents Exist
- LaserFiche Documents - Not Sent
- LaserFiche Documents - Sent
- State Medical Examiner
- Probation & Parole
- Rape & Abuse
- Juvenile Court
- Social Services
- City Attorney
- States Attorney

## SYNOPSIS

On 05/31/2022 at 1229 hours I, Officer Zach Robinson, was dispatched to 2315 2ND AVE S for a bonfire.

Fargo Fire arrived and there was a visible bonfire. When I arrived on scene, the fire was still smoking as the homeowner had put it out.

Kevin Metcalf is the homeowner.

See narrative.

## **NARRATIVE**

On 05/31/2022 at 1229 hours I, Officer Zach Robinson, was dispatched to 2315 2ND AVE S for a bonfire.

Fargo Fire arrived on scene before I did and the homeowner was in the process of putting the fire out. Fire fighters informed me they have been to this house multiple times for bonfires.

In the fire pit, was a chair which had been burned. The frame was still visible in the fire pit. I spoke with Kevin Metcalf who lives at the residence. He was reluctant to tell me anything. Eventually he stated he had started the fire to "get rid of shit." He was informed this is against city fire code to burn anything other than wood.

Send to city attorney's office for charges.

# FARGO POLICE DEPARTMENT

## Summary

Print Date/Time: 09/28/2022 11:28  
 Login ID: cityoffargolkspielman  
 Case Number: 2020-00030320

FARGO POLICE DEPARTMENT  
 ORI Number: ND0090200

**Case**

Case Number: 2020-00030320  
 Location: 2315 2ND AVE S  
 FARGO, ND 58103  
 Reporting Officer ID: 397 - Santangelo

Incident Type: Abuse Neglect - Child  
 Occurred From: 04/27/2020 21:30  
 Occurred Thru: 04/28/2020 14:11  
 Disposition: No State Prosecution  
 Disposition Date: 05/27/2020  
 Reported Date: 04/28/2020 14:11 Tuesday

**Offenses**

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	ND	13B	14-09-22(1)(a)	CHILD NEGLECT/ABUSE - SIMPLE ASSAULT	1

**Subjects**

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Complainant	1	METCALF, KATRINA KAY	[REDACTED] FARGO, ND 58103	[REDACTED]	White	Female	[REDACTED] 1980 40
Suspect	1	METCALF, KEVIN JOHN	[REDACTED] FARGO, ND 58103	[REDACTED]	Indian/Alaska n Native	Male	[REDACTED] 1981 38
Victim	1	[REDACTED]	[REDACTED] FARGO, ND 58103	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] 2010 9

**Arrests**

Arrest No.	Name	Address	Date/Time	Type	Age
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**Property**

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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**Vehicles**

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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# FARGO POLICE DEPARTMENT

## Summary

**Print Date/Time:** 09/28/2022 11:28  
**Login ID:** cityoffargolkspielman  
**Case Number:** 2020-00030320

FARGO POLICE DEPARTMENT  
**ORI Number:** ND0090200

**Routing:**

- Evidence.com Docs - Not Sent
- Evidence.com Docs - Sent
- Evidence.com Docs Exist
- US Attorney
- LaserFiche Documents Exist
- LaserFiche Documents - Not Sent
- LaserFiche Documents - Sent
- State Medical Examiner
- Probation & Parole
- Rape & Abuse
- Juvenile Court
- Social Services
- City Attorney
- States Attorney



**SYNOPSIS**

On 4-28-20 around 1422 hours, I, Officer Santangelo, was dispatched to 2315 2nd Ave S for a delayed report of child abuse.

On scene I spoke with Katrina Metcalf, mother of [REDACTED] (9 years old). Katrina said her husband, Kevin Metcalf, assaulted their son last night and she wanted me to talk to [REDACTED] (goes by "[REDACTED]"). [REDACTED] said his dad was upset with him because he did not go to bed when he was supposed to. Kevin grabbed [REDACTED] forcefully by the left ear causing pain, [REDACTED] squatted down instead of walking to his room because he did not want to go. His dad picked him up so [REDACTED] was standing on his toes and then "tossed" him "like how you would toss a bag" causing [REDACTED] to fall on a stool causing pain to the left side of his arm. [REDACTED] said this occurred in the kitchen. TJ sustained minor bruising behind his left arm and bruising on his left shoulder. [REDACTED] said it is common for Kevin to pull him by the ear when he does not listen. He said Kevin has never thrown him before.

Kevin verified that he grabbed [REDACTED] by the ear because [REDACTED] was not listening. He told [REDACTED] to go bed and that was the end of the incident. When I told Kevin the bruising would indicate that more took place, Kevin responded with "I think they are boys". Kevin would not make eye contact with me and he refrained from making detailed statements. When I tried to get more information he would defer to another family member to answer questions.

Katrina said she was in the basement when she heard a "thud" and [REDACTED] screaming. When Kevin told her "nothing happened" she found [REDACTED] hiding and he told her Kevin threw him on the ground.

I photographed [REDACTED] injuries. She wanted Kevin to leave and I was told by Katrina later that he eventually did leave. There were multiple other children in the home when the incident occurred but no one witnessed it. Audio added to report.

Forward to Cass CO Social Services and the SA Office.



38d

## Fargo Inspections

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

---

### Memorandum

DATE: September 28, 2022  
TO: Mayor Mahoney and Board of City Commissioners  
FROM: Shawn Ouradnik, Inspections Director  
SUBJECT: Dangerous Building Notice and Order at 714 12<sup>th</sup> St N., Fargo, ND 58103

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The property owner of 714 12<sup>th</sup> St N, 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 21-0405, a hearing date is scheduled for October 3, 2022.

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 November 14, 2022. Please direct the appropriate staff to secure the removal of this building at that time.**

**PROPERTY INFORMATION:** Buildings are currently secured and unoccupied.

**DESCRIPTION:** 1903 built, story plus attic, 1152 square foot, wood framed structure with basement and detached garage type structure

**LOCATION:** 714 12 St N.

**DESCRIPTION OF DAMAGE:**

- Accumulation of trash and rubbish so severe full interior inspection was not feasible.
- Water damage to ceiling of multiple rooms on the main level.
- No water service during the time of occupation.
- Gutter and drainage system on home is damaged.
- Peeling paint on both structures allowing rot and damage.
- Evidence of squatter activity around both structures.
- Large holes in roof of garage structure.
- Rear yard has junk accumulation and overgrowth.

**Timeline of events:**

10/25/2021 – Inspection of exterior of property after call from nursing home

10/25/2021 – Report of findings to nursing home

10/29/2021 – Posting of Dangerous Building

11/2021 – Property owner signed property over to United Savings and Loan

12/21/2021 – Current owner purchased the property

12/22/2021 – Current owner allowed access for an interior inspection

1/31/2022 – Current owner applied for demolition permit of garage

2/7/2022 – Current owner applied for exploratory demolition of the house

2/9/2022 – Permits were approved and issued

8/8/2022 – Permits expired

9/6/2022 – Meeting held with current owners and City of Fargo staff to discuss future of property

9/8/2022 – Memo sent to commission for consent agenda item

9/19/2022 – Address was consent agenda item # 14 as a request to set public hearing for October 3

9/21/2022 – Notice of Dangerous Building Hearing was posted and served via certified mail.

10/3/2022 – Public Hearing as well as possible Commission approval of purchase by City of Fargo.

**Additional Information:** Current owners had purchased the property in hopes of creating additional parking for their business on the same block. Due to zoning regulations this is not a possibility. The property has been chosen as a site that could be developed. As such the City of Fargo is interested in purchasing and demolishing the buildings with the intention of working with organizations in our community to rebuild an affordable single family home.

# Fargo Inspections

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



## NOTICE OF DANGEROUS BUILDING

TO: Thomas D Nankivell  
714 12 St N

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 714 12 St N, and is located on that tract of land in the city of Fargo, more particularly described as follows: Lot: 4 Block: 7 HARWOODS 1ST E 1/2 OF LOT 4 BLK 7  
  
(hereinafter referred to as "the building")
3. That an inspection was made of the building on the 25<sup>th</sup> day of October, 2021 by Laura Langdahl, Code Enforcement Inspector.
4. That the building inspector for the City of Fargo has found the building, consisting of a single-story with attic, wood framed, single family home built in 1903 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 108.1.5 concerning Dangerous Structures.
5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.
6. That the owner of the building must demolish the building within 30 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 108.2 of the International Property Maintenance Code, 2018 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 29<sup>th</sup> day of October, 2021.

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 be secured by the 4<sup>th</sup> day of November, 2021 and remain secured to prevent unauthorized entrance. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

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

Dated this 29<sup>th</sup> day of October, 2021.

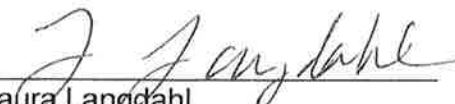
Conditions Found Statement

On the 25<sup>th</sup> day of October, 2021, Building Inspector Laura Langdahl, was present at 714 12 St N, Fargo, ND to address a code enforcement inspection. The following violations were found:

- Homeowner has self-reported that home is unsafe due to hoarding and animal feces.
- No water service since the 18<sup>th</sup> day of October, 2021 but continues to have both natural gas and electric services.
- Gutter drainage system on home is damaged and not directing water away from structure.
- Home has peeling paint on windows and roof allowing for rot, as well as damage to trimmed areas of roof.
- Both the garage and home are abandoned.
- Abandoned tricycle-style motorcycle is inoperative, unlicensed and parked on grass in front yard.
- Garage is not secure, has large holes in the roof and siding, is structurally unsound, shows signs of infestation and is not weatherproof.
- Rear and side yard have junk accumulation including tires, buckets and building materials.
- Entire lot is excessively overgrown with volunteer trees and vegetation obstructing access to home and garage.

The following action must be taken:

- Provide engineering on all systems and obtain a permit to repair by the 29<sup>th</sup> day of November, 2021 -or-
- Demolish the structure within the deadline provided in this notice.

  
\_\_\_\_\_  
Laura Langdahl  
Code Enforcement Inspector  
City of Fargo, ND

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

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

City of Fargo  
225 4 Street N  
Fargo ND 58102

---

USPS CERTIFIED MAIL



9214 8901 9403 8357 8553 24

---

THOMAS NANKIVELL  
C/O: BETHANY ON UNIVERSITY  
201 UNIVERSITY DR S  
FARGO ND 58103-1775



AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

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

Re: Notice of Dangerous Building (Home & Garage) – 714 12 St. N., Fargo, ND 58102
CM Receipt#: 9214 8901 9403 8357 8317 93

Kristi Stoffel, being first duly sworn and being of legal age, deposes and says that on the 29th day of October, 2021, she served the attached notice, upon Thomas Nankivell, Bethany On University, and United Savings Credit Union, by placing true and correct copies thereof in an envelope addressed as follows:

Thomas Nankivell
714 12 St. N.
Fargo, ND 58102

Thomas Nankivell
c/o Bethany on University
201 University Dr. S.
Fargo, ND 58103

Thomas Nankivell
c/o Jan
United Savings Credit Union
1001 1st Ave N.
Fargo, ND 58102

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

Kristi Stoffel

Subscribed and sworn to before me this 29th day of October, 2021.

Notary Public
Cass County, North Dakota

(SEAL)

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: Notice of Dangerous Building (Shed) – 1108 18<sup>th</sup> St. N., Fargo, ND 58102**  
**CM Receipt#: 9214 8901 9403 8357 8317 94**

Kristi Stoffel, being first duly sworn and being of legal age, deposes and says that on the 29<sup>th</sup> day of October, 2021, she served the attached notice, upon Russ M & Heidi M. Krotech, by placing true and correct copies thereof in an envelope addressed as follows:

Russ M. & Heidi M. Krotech  
2380 5<sup>th</sup> St W. Apt. A  
Fargo, ND 58078-3095

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

\_\_\_\_\_  
Kristi Stoffel

Subscribed and sworn to before me this 29<sup>th</sup> day of October, 2021.

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

(SEAL)



**Firm Mailing Book For Accountable Mail**

Name and Address of Sender

CITY OF FARGO  
225 4 STREET 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

1. 9214 8901 9403 8357 8354 94

Addressee (Name, Street, City, State, & ZIP Code™)

RUSS M & HEIDI M KROTECH APT A 2380 5TH ST W WEST FARGO ND  
58078-3065

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
0.73	3.75								1.85			
		Handling Charge - If Registered and over \$50,000 in value				Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling

Total Number of Pieces Listed by Sender: 1

Postmaster, Per (Name of receiving employee)



**AFFIDAVIT OF SERVICE**

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

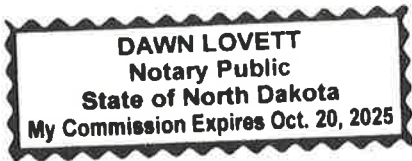
**Re: Posting of Dangerous Building Notice (Shed) – 1108 18<sup>th</sup> St. N., Fargo, ND 58102**

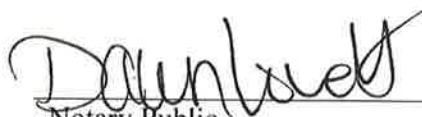
Laura Langdahl, being first duly sworn and being of legal age, deposes and says that on the 29<sup>th</sup> day of October 2021, she posted the attached notice upon the shed located at the following address:

1108 18<sup>th</sup> St.  
Fargo, ND 58102

  
\_\_\_\_\_   
Laura Langdahl

Subscribed and sworn to before me this 29<sup>th</sup> day of October, 2021.



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

(SEAL)

**AFFIDAVIT OF SERVICE**

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

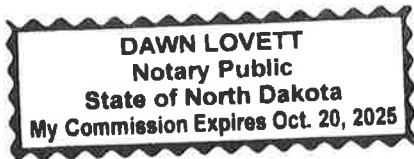
**Re: Posting of Dangerous Building Notice (Shed) – 1108 18<sup>th</sup> St. N., Fargo, ND 58102**

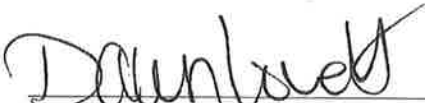
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1108 18<sup>th</sup> St.  
Fargo, ND 58102

  
\_\_\_\_\_  
Laura Langdahl

Subscribed and sworn to before me this 29<sup>th</sup> day of October, 2021.



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

(SEAL)

**AFFIDAVIT OF SERVICE**

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

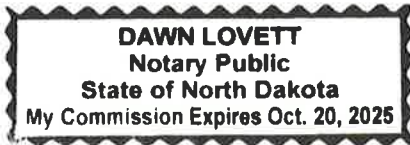
**Re: Posting of Dangerous Building Notice (Shed) – 1108 18<sup>th</sup> St. N., Fargo, ND 58102**


Laura Langdahl, being first duly sworn and being of legal age, deposes and says that on the 29<sup>th</sup> day of October 2021, she posted the attached notice upon the shed located at the following address:

1108 18<sup>th</sup> St.  
Fargo, ND 58102

  
\_\_\_\_\_  
Laura Langdahl

Subscribed and sworn to before me this 29<sup>th</sup> day of October, 2021.



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

(SEAL)

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: Notice of Dangerous Building (Home & Garage) – 714 12 St. N., Fargo, ND 58102**  
**CM Receipt#: 9214 8901 9403 8357 8317 93**

Kristi Stoffel, being first duly sworn and being of legal age, deposes and says that on the 29<sup>th</sup> day of October, 2021, she served the attached notice, upon Thomas Nankivell, Bethany On University, and United Savings Credit Union, by placing true and correct copies thereof in an envelope addressed as follows:

Thomas Nankivell  
714 12 St. N.  
Fargo, ND 58102

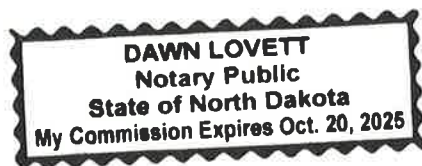
Thomas Nankivell  
c/o Bethany on University  
201 University Dr. S.  
Fargo, ND 58103

Thomas Nankivell  
c/o Jan  
United Savings Credit Union  
1001 1<sup>st</sup> Ave N.  
Fargo, ND 58102

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

\_\_\_\_\_  
Kristi Stoffel

Subscribed and sworn to before me this 29<sup>th</sup> day of October, 2021.



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

(SEAL)





Name and Address of Sender

CITY OF FARGO  
225 4 STREET N  
FARGO ND 58102

**Firm Mailing Book For Accountable Mail**

**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

USPS Tracking/Article Number

1. 9214 8901 9403 8357 8317 93

Addressee (Name, Street, City, State, & ZIP Code™)

THOMAS NANKVELL 714 12TH ST N FARGO ND 58102-4936

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
0.73	3.75	Handling Charge - If Registered and over \$50,000 in value							1.85			
						Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling

Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender  
1

**Complete in Ink**

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**Firm Mailing Book For Accountable Mail**

Name and Address of Sender

CITY OF FARGO  
225 4 STREET 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

1. 9214 8901 9403 8357 8317 93

Addressee (Name, Street, City, State, & ZIP Code™)

THOMAS HANKIVELL 714 12TH ST N FARGO ND 58102-4336

Postage

0.73

(Extra Service) Fee

3.75

Insured Value

Due Sender if COD

ASR Fee

ASRD Fee

RD Fee

RR Fee

SC Fee

SH Fee

1.85

Handling Charge - If Registered and over \$50,000 in value

Adult Signature Required

Restricted Delivery

Return Receipt

Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling

Postmaster: Per (Name of receiving employee)

Total Number of Pieces Listed by Sender  
1

Total Number of Pieces Received at Post Office



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**PROOF OF ACCEPTANCE  
(ELECTRONIC)**

PRODUCED DATE: 11/01/2021

CITY OF FARGO:

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

9214 8901 9403 8357 8556 76

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

DELIVERED FRONT DESK/RECEPTION/MAIL ROOM FARGO,ND 58102 11/01/2021

ORIGINAL INTENDED RECIPIENT:

THOMAS NANKIVELL

UNITED SAVINGS CREDIT UNION

C/O: JAN

1001 1ST AVE N

FARGO ND 58102-4601

The above information represents information provided by the United States Postal Service.



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**PROOF OF ACCEPTANCE  
(ELECTRONIC)**

**PRODUCED DATE: 10/31/2021**

**CITY OF FARGO:**

**The following is information for Certified Mail™/RRE item number:  
9214 8901 9403 8357 8317 93**

**Our records indicate that this item was accepted by the USPS at:  
ORIGIN ACCEPTANCE FARGO,ND 58108 10/31/2021**

**ORIGINAL INTENDED RECIPIENT:**

**THOMAS NANKIVELL  
714 12TH ST N  
FARGO ND 58102-4336**

**The above information represents information provided by the United States Postal Service.**



Mailer: City of Fargo

Date Produced: 11/08/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8357 8556 76. Our records indicate that this item was delivered on 11/01/2021 at 12:57 p.m. in FARGO, ND 58102. The scanned image of the recipient information is provided below.

Signature of Recipient :

Hayle Sacha Johnson

Address of Recipient :

1001 1st Ave N, 58102

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

Sincerely,  
United States Postal Service

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

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

THOMAS NANKIVELL  
UNITED SAVINGS CREDIT UNION  
C/O: JAN  
1001 1ST AVE N  
FARGO ND 58102-4601

11/08/21

Customer Reference Number: C3030363.17617175



Mailer: City of Fargo

Date Produced: 11/15/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8357 8317 93. Our records indicate that this item was delivered on 11/10/2021 at 09:53 a.m. in FARGO, ND 58103. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink, appearing to read "Zelmer", written over a horizontal line.

Address of Recipient :

A handwritten address in black ink, appearing to read "Zelmer", written below a horizontal line.

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:

THOMAS NANKIVELL  
714 12TH ST N  
FARGO ND 58102-4336

Customer Reference Number: C3029647.17614222

Firm Mailing Book For Accountable Mail



Name and Address of Sender

CITY OF FARGO  
225 4 STREET N  
FARGO ND 58102

Check type of mail or service

- Adult Signature Restricted Delivery
- 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™)

THOMAS MANKIVELL UNITED SAVINGS CREDIT UNION CO - JAN 1001 1ST  
Avenue FARGO ND 58102-4801

USPS Tracking/Article Number

9214 8901 9403 8357 8556 76

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

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
3.75	0.73							1.85			
		Handling Charge - if Registered and over \$50,000 in value									
						Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery
											Special Handling



Postmaster, Per (Name of receiving employee)

*[Signature]*  
Complete in Ink

Total Number of Pieces  
Listed by Sender  
1

Total Number of Pieces  
Received at Post Office  
1

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**Firm Mailing Book For Accountable Mail**

Name and Address of Sender

CITY OF FARGO  
225 4 STREET 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

1. 9214 8901 9403 8357 8553 24

Addressee (Name, Street, City, State, & ZIP Code™)

THOMAS NANKIVELL CO. BETHANY ON UNIVERSITY 201 UNIVERSITY DR S  
FARGO ND 58105-1775

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
0.73	3.75								1.85			
		Handling Charge If Registered and over \$50,000 in value									Signature Confirmation Restricted Delivery	
						Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation		Special Handling



Postmaster Per (Name of receiving employee)

*[Signature]*

Complete in Ink

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1





**Firm Mailing Book For Accountable Mail**

Name and Address of Sender

CITY OF FARGO  
225 4 STREET 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

USPS Tracking/Article Number

1. 9214 8901 9403 8357 8317 93

Addressee (Name, Street, City, State, & ZIP Code™)

THOMAS NANKIVELL 714 12TH ST N FARGO ND 58102-4336

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

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
0.73	3.75	Handling Charge - If Registered and over \$50,000 in value							1.85			
						Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling



Postmaster, Per (Name of receiving employee)

*[Signature]*

Complete in Ink

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1



City of Fargo  
 Inspections Department  
 225 4th Street N, Fargo, ND 58102  
 701.241.1561  
[www.FargoND.gov](http://www.FargoND.gov)

## Demolition Permit

<b>Permit Type:</b>	Demolition	<b>Permit Number:</b>	2201-1330-DEM
<b>Address:</b>	714 12 St N	<b>Establishment:</b>	
<b>Parcel Number:</b>	01-1120-00960-000	<b>Date Issued:</b>	2/9/2022
<b>Construction Value:</b>		<b>Total Area (ft<sup>2</sup>):</b>	
<b>Special Flood Hazard:</b>	No	<b>Flood Protection Elevation:</b>	
<b>Occupancy Group:</b>		<b>Type of Construction:</b>	

### Description of Work:

Demolish existing detached garage. Work shall not disrupt adjacent properties, such as utilities and easements. All services must be discontinued to satisfaction of the City of Fargo. All debris must be removed from the City. Additional permits may be required by other governmental agencies which have jurisdiction, i.e. State, EPA, etc. All work to comply with all applicable requirements of the City of Fargo including the 2018 Fargo Building Code.

<b>Applicant:</b>	701 Eateries	701 N University, Fargo, ND 58102
<b>Web Administrator:</b>	701 Eateries	701 N University, Fargo, ND 58102
<b>Contractor:</b>		,

**Total Permit Fees: 35.0000**

### Conditions:

1. None

**It is the responsibility of the permit holder to verify the existence of any covenants or easements on this property. Special Flood Hazard Permits shall be constructed in accordance to the Flood Proofing Code of the City of Fargo. Issuance of this permit shall not imply approval for any future work not identified on this permit or permit application. All work to comply with all applicable requirements of the City of Fargo including the 2018 Fargo Building Code.**

**Approved By: Melissa Gaulrapp**

\*\*\*Note: This permit becomes void if construction is not begun, is suspended or abandoned within 180 days at any time after work is commenced.

**Building Permit Acknowledgments**

1. I understand and certify that issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.
  
2. Through application for and acceptance of this building permit the permit applicant/holder/owner understands and agrees that the City will conduct periodic observations of construction, but that such observation or review of plans and/or construction does not constitute either explicit or implied certification that the plans and/or construction comply with City Codes or any other applicable requirements. The permit applicant/holder/owner at all times remains responsible for ensuring that the construction, plans, and specifications comply with all requirements of all City Codes and other applicable requirements. The City will not provide continuous on-site observation of construction, and disclaims any responsibility for defects in materials or workmanship.
  
3. The City encourages and recommends the permit applicant/holder/owner hire a private, on-site inspector or other professional as the applicant/holder/owner deems necessary in order to ensure that all aspects of the plans and/or construction comply with applicable codes and all other requirements.

AS PERMIT APPLICANT, I ACKNOWLEDGE THAT I HAVE BEEN MADE AWARE OF THE ABOVE STATEMENTS AND CONDITIONS

APPLICANT SIGNATURE:

\_\_\_\_\_

DATE:

\_\_\_\_\_



**INSPECTIONS DIVISION  
INSPECTION SIGN-OFF CARD**

ADDRESS 714 12 St N PERMIT 2201-1330-DEM

**\*\*NO WORK ON ANY FLOOR MAY BE COVERED UNTIL ALL SIGNATURES FOR THAT FLOOR APPEAR ON THIS CARD.  
\*\*THIS CARD MUST BE POSTED IN THE ELECTRIC PANEL ROOM OF THE LOWEST FLOOR OF EACH BUILDING.**

	Lower Level	1 <sup>st</sup> Floor	2 <sup>nd</sup> Floor	3 <sup>rd</sup> Floor	Final
Plumbing	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed
Electrical	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed
Mechanical (HVAC)	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed
<b>ABOVE MUST BE SIGNED PRIOR TO FRAMING INSPECTION FOR EACH FLOOR</b>					
Framing	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed
Energy	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed



City of Fargo  
**Davenport Group Support**  
 225 4th St N, Fargo, ND 58102

[www.FargoND.gov](http://www.FargoND.gov)

## RECEIPT

**Receipt Number:** 22-00803

**Associated Location:** 714 12 St N

**Payment Date:** 2/9/2022

**Payment Amount:** \$35.00

**Payment Method:** Credit Card #3034546007

**Payer Name:** 701 Eateries

**Payer Address:** 701 N University, Fargo, ND 58102

**Cashier Name:** PublicWeb LAMA

Permit #2201-1330-DEM,

TYPE	DESCRIPTION	REVENUE CODE	AMOUNT
Permit 2201-1330-DEM (DEM-SFRD)	Permit - Demolition	10100003221005	\$35.00
<b>Total Amount</b>			<b>\$35.00</b>
<b>Total Amount Paid</b>			<b>\$35.00</b>



City of Fargo  
**Inspections Department**  
 225 4th Street N, Fargo, ND 58102  
 701.241.1561  
[www.FargoND.gov](http://www.FargoND.gov)

## Remodel / Repair Permit

<b>Permit Type:</b>	Remodel / Repair	<b>Permit Number:</b>	2202-0134-REN
<b>Address:</b>	714 12 St N	<b>Establishment:</b>	
<b>Parcel Number:</b>	01-1120-00960-000	<b>Date Issued:</b>	2/9/2022
<b>Construction Value:</b>	\$1,000.00	<b>Total Area (ft<sup>2</sup>):</b>	0.00
<b>Special Flood Hazard:</b>	No	<b>Flood Protection Elevation:</b>	
<b>Occupancy Group:</b>		<b>Type of Construction:</b>	

### Description of Work:

Interior demolition to allow for structural assessment of property. Any reconstruction or full demolition will require a separate review and permit. All work to comply with all applicable requirements of the City of Fargo including the 2018 Fargo Building Code.

**Applicant:** 701 Eateries 701 N University, Fargo, ND 58102

**Contractor:**

**Total Permit Fees: 35.0000**

### Conditions:

1. None

**It is the responsibility of the permit holder to verify the existence of any covenants or easements on this property. Special Flood Hazard Permits shall be constructed in accordance to the Flood Proofing Code of the City of Fargo. Issuance of this permit shall not imply approval for any future work not identified on this permit or permit application. All work to comply with all applicable requirements of the City of Fargo including the 2018 Fargo Building Code.**

**Approved By: Melissa Gaulrapp**

\*\*\*Note: This permit becomes void if construction is not begun, is suspended or abandoned within 180 days at any time after work is commenced.

**Building Permit Acknowledgments**

1. I understand and certify that issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.
  
2. Through application for and acceptance of this building permit the permit applicant/holder/owner understands and agrees that the City will conduct periodic observations of construction, but that such observation or review of plans and/or construction does not constitute either explicit or implied certification that the plans and/or construction comply with City Codes or any other applicable requirements. The permit applicant/holder/owner at all times remains responsible for ensuring that the construction, plans, and specifications comply with all requirements of all City Codes and other applicable requirements. The City will not provide continuous on-site observation of construction, and disclaims any responsibility for defects in materials or workmanship.
  
3. The City encourages and recommends the permit applicant/holder/owner hire a private, on-site inspector or other professional as the applicant/holder/owner deems necessary in order to ensure that all aspects of the plans and/or construction comply with applicable codes and all other requirements.

AS PERMIT APPLICANT, I ACKNOWLEDGE THAT I HAVE BEEN MADE AWARE OF THE ABOVE STATEMENTS AND CONDITIONS

APPLICANT SIGNATURE:

\_\_\_\_\_

DATE:

\_\_\_\_\_



**INSPECTIONS DIVISION  
INSPECTION SIGN-OFF CARD**

ADDRESS 714 12 St N PERMIT 2202-0134-REN

**\*\*NO WORK ON ANY FLOOR MAY BE COVERED UNTIL ALL SIGNATURES FOR THAT FLOOR APPEAR ON THIS CARD.  
\*\*THIS CARD MUST BE POSTED IN THE ELECTRIC PANEL ROOM OF THE LOWEST FLOOR OF EACH BUILDING.**

	Lower Level	1 <sup>st</sup> Floor	2 <sup>nd</sup> Floor	3 <sup>rd</sup> Floor	Final
Plumbing	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed
Electrical	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed
Mechanical (HVAC)	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed

**ABOVE MUST BE SIGNED PRIOR TO FRAMING INSPECTION FOR EACH FLOOR**

Framing	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed
Energy	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed	Comments: _____ _____ Completed





City of Fargo  
Davenport Group Support  
225 4th St N, Fargo, ND 58102

[www.FargoND.gov](http://www.FargoND.gov)

### RECEIPT

**Receipt Number:** 22-00802  
**Associated Location:** 714 12 St N  
**Payment Date:** 2/9/2022  
**Payment Amount:** \$35.00  
**Payment Method:** Credit Card #3034541166  
**Payer Name:** 701 Eateries  
**Payer Address:** 701 N University, Fargo, ND 58102  
**Cashier Name:** PublicWeb LAMA

Permit #2202-0134-REN,

TYPE	DESCRIPTION	REVENUE CODE	AMOUNT
Permit 2202-0134-REN (REN-SFRD)	Permit - Building	10100003221005	\$35.00
Total Amount			\$35.00
Total Amount Paid			\$35.00

Sent to Kember 9/8/22  
KS



## Fargo Inspections

City of Fargo  
225 Fourth Street North  
701-241-1561  
Fax: 701-476-6779

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### MEMORANDUM

TO: Board of City Commissioners  
FROM: Inspections Director Shawn Ouradnik,  
DATE: September 8, 2022  
SUBJECT: Dangerous Building Notice and Order at 714 12 St N.

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The property owner of 714 12 St N., Fargo 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 21-0405, a hearing date is scheduled for Monday, September 19th, 2022.

**RECOMMENDED MOTION:** Request a Public Hearing for Monday, October 3<sup>rd</sup>, 2022 for the property located at 714 12 St. N.

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



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

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**Date: September 19, 2022**

**Location: 714 12 St. N., Fargo, ND 58102**  
**Property Owner: 701 Brew LLC**  
**Address of Property Owner: 824 8<sup>th</sup> St S., Fargo, ND 58103-2722**  
**Inspector: Fargo, ND 58103-2722**  
**Date of Posting: 10/25/21**

**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 714 12 St. N., Fargo, ND has been scheduled for, Monday, October 3rd, 2022 at 5:00PM. The hearing will take place in the City Commission Chambers, located at 225 4<sup>th</sup> Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend.

Dated on this 19<sup>th</sup> day of September, 2022.

A handwritten signature in black ink, appearing to be 'S. Ouradnik', written over a horizontal line.

---

Shawn Ouradnik  
Inspections Director

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

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

**Re: NOTICE OF DANGEROUS BUILDING HEARING – ORDER TO SHOW CAUSE,  
– 714 12<sup>th</sup> St N, Fargo, ND 58103  
CM Receipt#: 9214 8901 9403 8390 1424 74**

Shannon Kay Rieman, being first duly sworn and being of legal age, deposes and says that on the 19<sup>th</sup> day of September, 2022, she served the attached notice, upon 701 Brew LLC, by placing true and correct copies thereof in an envelope addressed as follows:

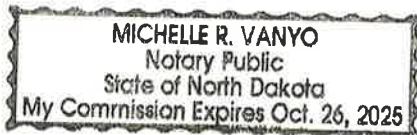
701 Brew KKC  
824 8<sup>th</sup> Street South  
Fargo, ND 58103-2722

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

*Shannon Kay Rieman*  
\_\_\_\_\_  
Shannon Kay Rieman

Subscribed and sworn to before me this 20 day of September, 2022.

(SEAL)



*Michelle R Vanyo*  
\_\_\_\_\_  
Notary Public  
Cass County, North Dakota



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**PROOF OF ACCEPTANCE  
(ELECTRONIC)**

PRODUCED DATE: 09/20/2022

CITY OF FARGO:

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

9214 8901 9403 8390 1424 74

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

ORIGIN ACCEPTANCE FARGO,ND 58108 09/19/2022

ORIGINAL INTENDED RECIPIENT:

701 BREW KKC

824 8TH ST S

FARGO ND 58103-2722

**NOTICE OF HEARING**

38e

**Application for Alcoholic Beverage License**

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, October 3, 2022, at 5:15 o'clock p.m. to consider an application for a Class "FA" Alcoholic Beverage License for Puerto Vallarta LLC d/b/a: Puerto Vallarta to be located at 4323 45 St S, Suite 101, Fargo.

Any interested person may appear and will be heard.

City Auditor's Office  
(September 14, 2022)



**Fargo Police Department**

To: Chief David Zibolski  
From: Sergeant Tom Morris *TM*  
Date: August 24, 2022  
RE: Liquor License Application Class FA, Puerto Vallarta

**Application for a Class "FA" Alcoholic Beverage License from Puerto Vallarta LLC d/b/a Puerto Vallarta, to be located at 4323 45<sup>th</sup> St S STE 101, Fargo**

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

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

The following information was discovered through this investigation:

**Morales (Lastor), Pedro - Owner/Manager**

**Criminal History-**

A search of Fargo Police Department criminal records, North Dakota public records ([publicsearch.ndcourts.gov](http://publicsearch.ndcourts.gov)) and Minnesota public records (<https://chs.state.mn.us/>) showed no criminal activity. South Dakota does not have a free public records search, but I did a generic internet search and did not find anything of concern. He stated on his application he has not been convicted of a crime.

**Credit History-**

Pedro Morales' credit report was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.

RECEIVED  
FARGO POLICE DEPARTMENT  
AUG 24 2022  
MICHAEL BERNIER  
LIEUTENANT  
REF: *Received*

RECEIVED  
FARGO POLICE DEPARTMENT  
AUG 24 2022  
GEORGE VINSON  
CAPTAIN  
REF:

RECEIVED  
FARGO POLICE DEPARTMENT  
AUG 25 2022  
TRAVIS STEFONOWICZ  
ASSISTANT CHIEF OF POLICE  
REF:





**Fargo Police Department**

**Rodriguez (Montoya), Alfonso – Owner/Manager**

**Criminal History-**

A search of Fargo Police Department criminal records indicates Rodriguez was charged with simple assault for an incident that occurred on 2/13/22 in Fargo, where it was alleged he assaulted people at a party. The City Attorney declined prosecution due to being unable to contact the victim. The City Attorney stated if they are able to contact the victim, charges will be authorized. This decline was dated 2/28/22. North Dakota public records ([publicsearch.ndcourts.gov](http://publicsearch.ndcourts.gov)) and Minnesota public records (<https://chs.state.mn.us/>) showed no criminal activity. South Dakota does not have a free public records search, but I did a generic internet search and did not find anything of concern. He stated on his application he has not been convicted of a crime.

**Credit History-**

Alfonso Rodriguez's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

**Investigation Notes**

This application is for a Class "FA" alcoholic beverage license (authorizes the licensee to sell "on-sale", physical bar is allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages) for Puerto Vallarta LLC, LLP d/b/a Puerto Vallarta.

While conducting the background, I noticed both applicants have hyphenated last names. I ran all checks using both the single last name and the hyphenated name.

The investigation into the criminal and credit history of the applicants did not find any issues related to criminal activity other than the alleged simple assault mentioned above and no problems with their credit.



**Fargo Police Department**

**Business Location**

Puerto Vallarta is to be located at 4323 45<sup>th</sup> St S STE 101 in Fargo. Other businesses in the area with an alcoholic beverage license include: The Bulldog Tap, South Town Pour House, United States Axe Throwing and Hornbacher's Wine and Spirits Liquor Store.

**Conclusion**

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


RECEIVED  
FARGO POLICE DEPARTMENT  
  
SEP 01 2022  
  
DAVID B ZIBOLSKI  
CHIEF OF POLICE  
REF: S. SPRAGUE

+ Recommendations Approved

38f

**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: JIM GILMOUR, STRATEGIC PLANNING DIRECTOR** 

**DATE: SEPTEMBER 28, 2022**

**SUBJECT: ROOSEVELT FAMILY LOFTS – PILOT REQUEST**

Roosevelt Family lofts has applied for a property tax exemption to build 12-13 townhouse style apartments at 711 10th Avenue North. The site is vacant and previously was the site of dangerous building. The property tax exemption would be with a Payment in Lieu of Taxes (PILOT) program.

It is an extraordinarily large lot at ~29,000 square feet, 100 feet wide and 290 feet deep. Single family lots in this neighborhood are typically 50 feet wide and 140 feet deep, so this lot is over 4 times the size of most single family lots in the neighborhood. A map showing the location of the site is attached.

The property is zoned MR-3 which allows the proposed use, and would also allow an apartment building. There are multi-family buildings to the east and west of the property.

The request is for a 10-year property tax exemption, with a 100% exemption for 5 years and a 50% property tax exemption in years 6-10. The request is consistent with the PILOT guidelines for apartments in core neighborhoods. Review of the financial plan by PFM found that the project needs the property tax exemption. The Economic Development Incentives Committee recommends approval of the request.

The application for the property tax exemption and the report from PFM are attached. The property tax savings would start at ~\$44,000 a year. The present value of the PILOT is approximately \$250,000.

The Roosevelt Neighborhood Association is opposed to the project for several reasons. Those comments are attached.

**Recommendation**

Approve a property tax exemption for the Roosevelt Family Lofts housing project located at 711 10th Avenue North subject to final legal review of the development agreement.



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

# 711 10th Ave N

1:2,257

1/11/2022 5:06 PM

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



### Application For Property Tax Incentives For New or Expanding Businesses

N.D.C.C. Chapter 40-57.1

Project Operator's Application To City of Fargo  
City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

**This application is a public record**

#### Identification Of Project Operator

1. Name of project operator of new or expanding business Roosevelt Family Lofts, LLC

2. Address of project 711 10th Ave N  
City Fargo County Cass

3. Mailing address of project operator 509 Oak Ridge Way  
City West Fargo State ND Zip 58078

4. Type of ownership of project  
 Partnership                       Subchapter S corporation                       Individual proprietorship  
 Corporation                       Cooperative                       Limited liability company

5. Federal Identification No. or Social Security No. [REDACTED]

6. North Dakota Sales and Use Tax Permit No. \_\_\_\_\_

7. If a corporation, specify the state and date of incorporation \_\_\_\_\_

8. Name and title of individual to contact Ryan Downs  
Mailing address 509 Oak Ridge Way  
City, State, Zip West Fargo, ND 58078 Phone No. 218-556-9759

#### Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.

<input type="checkbox"/> <b>Property Tax Exemption</b>	<input checked="" type="checkbox"/> <b>Payments In Lieu of Taxes</b>
_____ Number of years	<u>2024</u> Beginning year <u>2034</u> Ending year
_____ Percent of exemption	<u>44,500</u> Amount of annual payments (attach schedule if payments will vary)

10. Which of the following would better describe the project for which this application is being made:  
 New business project                       Expansion of a existing business project

Description of Project Property

11. Legal description of project real property

Lot: A, Block:16 Chapins-Auditors Sub Lot A Blk 16

12. Will the project property be owned or leased by the project operator?  Owned  Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?

Yes  No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility?  New construction  Existing facility

If existing facility, when was it constructed? \_\_\_\_\_

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application 9/1/22

b. Description of project to be constructed including size, type and quality of construction  
Thirteen townhomes, consisting of three bedrooms and two bathrooms per unit. High to mid-grade finishes. Common area outdoor space for playground equipment and entertainment.

c. Projected number of construction employees during the project construction 10-15

14. Approximate date of commencement of this project's operations 9/1/23

15. Estimated market value of the property used for this project:

a. Land ..... \$ 250,000

b. Existing buildings and structures for which an exemption is claimed..... \$ 0

c. Newly constructed buildings and structures when completed ..... \$ 3,015,000

d. Total ..... \$ \_\_\_\_\_

e. Machinery and equipment ..... \$ 3,265,000

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:

a. Land (not eligible) .....                     

b. Eligible existing buildings and structures ..... \$ 0

c. Newly constructed buildings and structures when completed ..... \$ 150,750

d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ 150,750

e. Enter the consolidated mill rate for the appropriate taxing district ..... 296.01

f. Annual amount of the tax exemption (Line d multiplied by line e) ..... \$ 44,623

**Description of Project Business**

**Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.**

17. Type of business to be engaged in:  Ag processing  Manufacturing  Retailing  
 Wholesaling  Warehousing  Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).  
 Market rate multifamily housing and property management services.

19. Indicate the type of machinery and equipment that will be installed

20. For the project only, indicate the projected annual revenue, expense, and net income (before tax) from either the new business or the expansion itself for each year of the requested exemption.

Year (12 mo. periods)	New/Expansion Project only Year 1	New/Expansion Project only Year 2	New/Expansion Project only Year 3	New/Expansion Project only Year 4	New/Expansion Project only Year 5
Annual revenue	<u>251,188</u>	<u>253,700</u>	<u>256,237</u>	<u>258,799</u>	<u>261,387</u>
Annual expense	<u>268,778</u>	<u>270,169</u>	<u>271,581</u>	<u>273,014</u>	<u>274,468</u>
Net income	<u>(17,590)</u>	<u>(16,469)</u>	<u>(15,344)</u>	<u>(14,215)</u>	<u>(13,081)</u>

21. Projected number and salary of persons to be employed by the project for the first five years:

Current positions & positions added the initial year of project

# Current Positions	New Positions Under \$13.00	New Positions \$13.01-\$15.00	New Positions \$15.01-\$20.00	New Positions \$20.01-\$28.00	New Positions \$28.01-\$35.00	New Positions Over \$35.00

Year	(Before project)	Year 1	Year 2	Year 3	Year 4	Year 5
No. of Employees	(1) _____	_____	_____	_____	_____	_____
	(2) 0	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
Estimated payroll	(1) _____	_____	_____	_____	_____	_____
	(2) 0	<u>6,000</u>	<u>6,100</u>	<u>6,200</u>	<u>6,300</u>	<u>6,400</u>

(1) - full time  
 (2) - part time

**Previous Business Activity**

22. Is the project operator succeeding someone else in this or a similar business?  Yes  No

23. Has the project operator conducted this business at this or any other location either in or outside of the state?  
 Yes  No

24. Has the project operator or any officers of the project received any prior property tax incentives?  Yes  No  
 If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

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**Business Competition**

25. Is any similar business being conducted by other operators in the municipality?  Yes  No  
 If YES, give name and location of competing business or businesses

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Percentage of Gross Revenue Received Where Underlying Business Has ANY Local Competition %

**Property Tax Liability Disclosure Statement**

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it?  Yes  No

27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property?  Yes  No

If the answer to 26 or 27 is Yes, list and explain

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**Use Only When Reapplying**

28. The project operator is reapplying for property tax incentives for the following reason(s):

- To present additional facts or circumstances which were not presented at the time of the original application
- To request continuation of the present property tax incentives because the project has:
  - moved to a new location
  - had a change in project operation or additional capital investment of more than twenty percent
  - had a change in project operators
- To request an additional annual exemption for the year of \_\_\_\_\_ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

**Notice to Competitors of Hearing**

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, Ryan Downs, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

[Signature]  
Signature

Member/Manager  
Title

6/18/22  
Date



Uptown Lofts 2.0  
711 10th Ave N.  
Information for PILOT Application

**INVESTOR ROSTER**

Brandon Raboin	<a href="mailto:brandon@raboinrealty.com">brandon@raboinrealty.com</a>
Jacob Henderson	<a href="mailto:jacob@raboinrealty.com">jacob@raboinrealty.com</a>
Tyler Leverington	<a href="mailto:tleverington@ohnstadlaw.com">tleverington@ohnstadlaw.com</a>
Ryan Downs	<a href="mailto:ryandowns07@gmail.com">ryandowns07@gmail.com</a>

**INVESTMENT SUMMARY**

12 Market Rate Townhomes  
Unit Mix: 12 3BD/2BA  
2 stall garage included with rent

TOTAL PROJECT COST	\$ 2,582,948
HARD CAPITAL COSTS	\$ 2,582,948
CONTRIBUTED EQUITY	\$ 645,737
ANTICIPATED LOAN TERMS	10-Year Term; 25-Year Amortization; 4.125% APR
UNIT MIX	12 3 Bedroom/2 Bathroom Townhouse Style Units
PROPOSED RENT	\$1,625 per unit per month

PROJECT STATS

Project Value	2,582,948
Price Per Unit	215,246
YR 1 Total Operating Income	212,307
YR 1 Total Operating Exp.	85,806
YR 1 Net Operating Income	126,501
YR 1 Debt Service	127,303
YR 1 Annual Cash Flow	(802)
Stabilized Cap Rate	4.90%
First Mortgage (75% Non-recours PMT (P&I)	1,937,211 127,303
DSCR	0.99

Cash Flow

Equity Invested	645,737
Cash on Equity Return	
Est. Sale Value at Year 10	2,700,000
Development Cost Basis	2,582,948
Proceeds From Sale	117,052

CAPITAL STRUCTURE

Total Development Cost	2,582,948
1st Mortgage (75%)	1,937,211
2nd Mortgage (20%)	-
Equity	645,737

INVESTMENT STATS

EQUITY INVESTMENT	645,737
10-YEAR IRR	8.18%
10-YR AVG CASH-ON-CASH	-0.1%
10-YR ROI	8.26%

EXIT SCENARIO

Sale at Year 10	2,700,000
1st Mortgage	1,372,354
2nd Mortgage	-
Partner Equity Return	645,737
	681,909
Year 5	
Cash Return	(1,047)
Principle Reduction	54,354
Taxable Loss (28%)	
	53,307
ROI	8.26%

Construction & Development Cost 711 10th Ave.				
Construction Costs				
	Original Budget	Changes	Revised Budget	
<b>Hard Direct Costs</b>				
Clubhouse	2,052,000			171,000 Per unit
Contingency	71,820			Per unit FFE Included above
General Contractors Fee	106,191			3.59% % of Hard Construction Cost
Allocated Olt Fee				5.00% % of Hard Construction Cost + Cont.
<b>Total Construction Cost</b>	<b>2,230,011</b>			<b>0.00%</b> " "
<b>Land Costs</b>				
Land Cost Per Reoap	250,000			20,833 Per unit
Specials Buy Down				Per unit
<b>Total Land Cost</b>	<b>250,000</b>			<b>1,316</b> Per unit
<b>City Costs</b>				
SAC				Per Unit
WAC				Per Unit
PAC - Res High				Per Unit
PAC - Res Med				Per Unit
PAC - Res Low				Per Unit
Trunk Sewer/Trunk Water/Storm				Per Unit
City Fee Contingency				Per Acre
TIF				Added SAC/WAC Units
<b>Total City Fees</b>				Per Unit
<b>Consultant Costs</b>				
Architecture	14,000			778 Per Unit
Civil	3,500			194 Per Unit
Structural	3,500			194 Per Unit
Geotechnical	1,900			56 Per Unit
Interiors	1,000			56 Per Unit
Landscape				Per Unit
Brand				Per Unit
Resydening	500			Per Unit
Feasability				28 Per Unit
Traffic Study				Per Unit
Pre-Con Fee				Per Unit
Contingency	1,000			Per Unit
<b>Total Consultant Costs</b>	<b>24,500</b>			<b>56</b> Per Unit
<b>Financing Costs</b>				
Interest Expense (1st)	20,337			
Interest Expense (Mort)				1 Year of 10
Origination Mortgage	10,000			9.5% of Mortgage
Accounting Finance Fee	2,500			0.125% of Mortgage
Legal				
Registration/Placement Fee	20,000			
Appraisal	1,300			1% of Mortgage
Settlement Fee	250			
Title Search	1,000			
Title Exam	900			
Doc Prep	150			
Title Insurance	2,000			
Other Closing Fees	200			0.1% of Mortgage
<b>Total Financing Costs</b>	<b>64,437</b>			<b>5,369.79</b> Per Unit
<b>Other Soft Costs</b>				
Real estate taxes	5,800			
Property Insurance	5,800			50% (Use X/X & X/X)
Marketing - Lease Up	3,800			Full Year
Management - Lease Up	1,000			
<b>Total Other Soft Costs</b>	<b>14,000</b>			<b>73.68</b> Per unit
Developer's Fee				0.00% % on all costs
<b>DISCOUNTED FEE</b>				<b>Fixed Cost Per Agreement</b>
<b>Total Development Cost</b>	<b>2,582,848</b>			<b>215,245.70</b> Per unit

# City of Fargo, North Dakota

Payment in Lieu of Taxes Program

“But-For” Report

711 10<sup>th</sup> Avenue North

Downtown District

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July 21, 2022



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## Purpose

The purpose of this report is to establish and determine the allowable value of the payment in lieu of taxes (PILOT) tax exemption for Roosevelt Family Lofts, LLC (the "Developer").

PFM first reviewed the application/proforma to ensure that appropriate assumptions regarding property value, rent, vacancy, and expenses were used by the Developer. Based on those assumptions, PFM projected a 10-year cash flow, calculating an internal rate of return. The following report details PFM's analysis and conclusions concerning the viability of the proposed project without the subsidy. The proposed project will be an investment of the Developer so PFM also calculated an internal rate of return for the project.



## Project

The project being proposed by Roosevelt Family Lofts, LLC (the "Developer") includes constructing 13 townhome units at 711 10<sup>th</sup> Avenue North. The townhomes will all be three-bedroom, two-bathroom units. As noted in the previous section, the proposed project is to be an investment property for the Developer.

The Developer has stated that the construction will be completed by September 2023 with occupancy immediately following. The Developer has requested PILOT financing assistance in an amount of \$233,418 on a present value basis to complete the project. This amount is based on projections of the future tax payments less the projected PILOT payments. Both the estimated tax payments and estimated PILOT payments assume a property value increase of 1.00% per year. This amount assumes five years of 100% exemption, followed by five years of 50% exemption.



## Project Financing

The Developer is investing 25% equity, or \$808,750, and will be privately financing \$2,426,249. The Developer is additionally requesting PILOT assistance through annual property tax savings. The private financing is estimated to be a 25-year loan at a 5.00% interest rate resulting in an annual principal and interest payment of \$172,148.





## Return Analysis

In calculating the internal rate of return, PFM first analyzed the Developer's assumptions including expected monthly rent, vacancy rate, and the operating expenses. The Developer is proposing a rent of \$1,775 per month for each unit. The Developer provided estimates of annual operating expenses, as follows; Maintenance - \$12,000, Administration - \$25,168, Property Tax (PFM adjusted estimate) - \$40,450, Utilities - \$10,062. The total expenses, assuming the Developer pays full real estate taxes, are approximately 35% of gross operating income. PFM used the given assumptions for Year 1 and, using a 1.5% inflationary factor for expenses and 1.00% for revenues, developed a 10-year cash flow. PFM assumed a vacancy rate of 8% for each year the project is operating.

The second step in determining the internal rate of return is to determine the earned incremental value of the property over the 10-year period. That value, along with the net operating income cash flows, was used to calculate the internal rate of return. PFM determined that without PILOT assistance the Developer would have about a 3.90% internal rate of return. The Developer would have about a 7.15% internal rate of return if it received the public assistance for the full 10 years. A reasonable rate of return for the proposed project is 10% - 15%.

Another measure of feasibility and project viability is the debt coverage ratio. PFM has projected a maximum debt coverage ratio of 1.01x without assistance in the first 10 years with a Year 4 coverage of 0.97x. If the City provided assistance to the project the maximum debt coverage is projected to be 1.20x with a Year 4 coverage of 1.19x. The minimum coverage of 1.08x occurs in Year 6 when the exemption drops from 100% to 50%. Debt coverage is important to developers when securing financing for their projects. Many times banks will require a minimum coverage in the range of 1.10x - 1.50x. The debt service coverage is low for this project due to the minimum, upfront equity contribution which results in more debt.

Using PFM's "without assistance" cash flow as the base scenario, PFM ran sensitivity analyses in order to determine if the project would be likely to occur without public assistance. For the first sensitivity analysis, PFM analyzed how much project funds would have to decrease in order to produce a reasonable internal rate of return. We also looked at how much the rental rates would have to fluctuate in order to achieve a reasonable internal rate of return. Lastly, we looked at a combination of the two scenarios. For the sensitivity analyses, we assumed a minimum internal rate of return of 7.15%.

### Sensitivity Scenario 1 – Project Costs

The project would have to be reduced by \$224,999 or 6.96% in order for the project to become viable without assistance. This reduces the amount to be financed from \$2,426,249 to \$2,257,500 and reduces the annual debt service payment from \$172,148 to \$160,175. In order to obtain a higher IRR of 10% without assistance, project costs would have to be reduced by \$416,999 or 12.89%. This scenario would reduce the amount to be financed from \$2,426,249 to \$2,113,500 and reduce the annual debt service payment from \$172,148 to \$149,958. It is somewhat unlikely that a reduction in project costs of this magnitude would occur at this stage in the process, especially in the current inflationary market.

### Sensitivity Scenario 2 – Rental Rates

In order for the project to be viable without public assistance, the rental rate would have to increase by 11.00%. This increases annual revenue from \$261,386 to \$289,992 in Year 5. In order to obtain a higher IRR of 10% without assistance, the rental rate would have to increase by 20.25%. This increases annual revenue from \$261,386 to \$314,046 in Year 5. PFM believes this is a large increase to rents and is unlikely to occur.



**Sensitivity Scenario 3 – Combination of Project Costs and Rental Rates**

The final scenario looks at both a reduction of project costs and an increase in rental rates. The analysis showed that project costs would have to be reduced by \$138,499 or 4.28% and rental rates would have to increase by 4.20%. In order to obtain a higher IRR of 10% without assistance, project costs would have to be reduced by \$255,999 or 7.91% and rental rates would have to increase by 7.80%. Both of these options occurring is unlikely, but it is possible so it should be considered.

The above scenarios show the circumstances in which the project would become viable without public assistance. Based on the information provided PFM's analysis demonstrates that the project as currently anticipated is unlikely to occur "but-for" the public assistance.



## Conclusion

The Developer will bear all the risk involved with the project. The Developer is dependent on a number of factors before and after the project is completed, including project costs, occupancy of the units, the rental market, and monthly expenses. Both the internal rate of return without assistance and the debt service coverage are very low. The base scenario without assistance along with the sensitivity analyses demonstrate that the project would likely not be feasible without assistance.

PFM determines that with public assistance, based on 5 years of 100% property tax exemption followed by 5 years of 50% exemption, the Developer's internal rate of return, based on the assumptions outlined in this report, would be 7.15%. Furthermore, the Year 4 debt coverage ratio increases from 0.97x to 1.19x when assistance is provided. Based upon the information provided, the project would not be feasible "but-for" public assistance as it is currently shown by the Developer.



Roosevelt Neighborhood Association  
Thoughts on 711 10<sup>th</sup> Avenue North

*I think it is premature to provide any kind of tax incentive to this project.*

*I would like the City to hold off on any approval of tax incentive until after we, the Roosevelt Neighborhood and Planning, have had a chance to meet with the City's consultant, czb. Without a Strategic Neighborhood Development Plan, we don't know if the proposed density of housing is appropriate.*

*CZB will be in town October 4-6 for their initial meeting and they can help provide us with a strategy and direction for future development.*

*We had a chance to meet with Panning and the developer months ago about this site. We objected to the project's height, density and style. The plan did not and still does not conform to the characteristics of the existing neighborhood.*

*Adding covered entrances on the street side is a good start but needs to be finished by reducing the height and density of the project. Otherwise, the entrances become grossly overproportioned and out of scale.*

*I understand the site is zoned MR-3 and the developer has 'by right' the ability to secure the permits to build this project. I'm hoping they will postpone the project if the tax incentives are postponed or denied.*

*The site was originally occupied by a large single-family home. It was converted at some time in the past to a multi-plex and I assume rezoned to multifamily in order to comply with its new use. Zoning it MR-3 was a mistake and I don't think we want to support a second mistake by supporting the tax incentive proposed.*

**DEVELOPMENT AGREEMENT**

**between**

**ROOSEVELT FAMILY LOFTS, LLC**

**and**

**CITY OF FARGO, NORTH DAKOTA**

**regarding**

**Payment in Lieu of Taxes (PILOT) Project**

**AGREEMENT**

**THIS AGREEMENT**, Made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between **ROOSEVELT FAMILY LOFTS, LLC**, a North Dakota limited liability company, of Fargo, North Dakota, ("Developer"), and the **CITY OF FARGO** a North Dakota municipal corporation ("City"),

**WHEREAS**, Developer owns certain real property and has submitted a proposal to the City for development of said property, which is situate in the City of Fargo, County of Cass and State of North Dakota, more fully described as:

**[[Legal description of Development Property]].**

**WHEREAS**, Developer seeks to utilize payment in lieu of taxes to finance and provide for amortization of the costs of certain portions of the eligible expenses for said improvements, as provided in §40-57-.1-03, N.D.C.C.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

**1. Representations, Warranties and Covenants by Developer.** The Developer represents and warrants that as of the date of execution of this Agreement by Developer, and throughout the period that this Agreement is in effect:

(a) The Developer is a corporation duly organized and in good standing under the laws of the State of North Dakota, and is not in violation of any provisions of its Operating Agreement or the laws of the State of North Dakota and is authorized to enter into and perform its obligations under this Agreement.

(b) The execution and delivery of this Agreement, the consummation of the transactions contemplated hereby and the fulfillment of or compliance with the terms and conditions of this Agreement are not prevented or limited by and will not conflict with or result in a breach of any provision or requirement applicable to the Developer or of any provision of any evidence of indebtedness, agreement or instrument of whatever nature to which the Developer is now a party or by which it is bound.

(c) The Developer, with respect to its construction, operation and maintenance of the Improvements upon the Developer's Property, will cause the same to occur in accordance in all material respects with this Agreement and all local, state and federal laws and regulations (including without limitation environmental, zoning, building code and public health laws and regulations).

(d) The Developer has received no notice or communication from any local, state or federal official or body that any activities of the Developer respecting the

Developer's Property contemplated by this Agreement, including the construction of the Improvements on the Developer's Property, may be or will be in violation of any law or regulation.

(e) The Developer will use its reasonable efforts to obtain, in a timely manner, all required permits, licenses and approvals, and to meet, in a timely manner, all requirements of all applicable local, state and federal laws and regulations which must be obtained or met before the Improvements may be lawfully constructed and completed.

(f) To the best knowledge and belief of the Developer, the construction of the Improvements on the Developer's Property within the reasonably foreseeable future is conditioned on the assistance and benefit to the Developer provided for in this Agreement. The Developer would not undertake the Project without the financing provided by the City pursuant to this Agreement.

(g) RESERVED.

(h) The Developer will cooperate fully with the City and City with respect to any litigation commenced by third parties or by the City or City or both against third parties with respect to the Project.

(i) The Developer has not received any notice from any local, state or federal official that the activities of the Developer with respect to the Project may or will be in violation of any Environmental Law or regulation, and the Developer, without any duty of inquiry, is not aware of any state or federal claim filed or planned to be filed by any party relating to any violation of any Environmental Law.

(j) The Developer understands that the City will or may subsidize or encourage the development of other properties in the City, including properties that compete with the Developer's Property and any improvements thereon, and that such subsidies or encouragements may be more favorable than the terms of this Agreement, and that the City has not represented that development of the Developer's Property will be favored over the development of other properties.

(m) As of the date of execution of this Agreement by Developer, the Developer has arrangements for all the equity and loan financing necessary to complete the improvements as described herein.

(n) The written disclosure to City by Developer of the names and addresses of each of Developer's members is true and correct, including, in the case of any members of Developer that are partnerships, corporations or limited liability companies, the names and addresses of partners, stockholders or members thereof.

(o) No relocation payments shall be made to Developer nor to any shareholder of Developer.

(p) Developer has disclosed all relevant information that might have a negative impact on this transaction.

2. Payment in Lieu of Taxes Exemption. The City has taken the necessary steps to establish a payment in lieu of taxes exemption for Developer's project, pursuant to the provision of Chapter 40-57.1-03, N.D.C.C. Such exemption shall apply in accordance with the terms of this agreement.

3. Public Assistance. The parties hereto agree that the amount of public assistance which shall be expended for the improvements and other expenses eligible to be off set against the exemption granted by the City shall be a maximum amount of \$250,000. The said public assistance shall be a One Hundred Percent (100%) property tax exemption in years one (1) through five (5) and a Fifty Percent (50%) property tax exemption for years six (6) through ten (10)

3.1 Approval of Eligible Costs. Developer shall submit requests for approval of eligible costs identified herein upon such forms as the City may require, and shall provide such documentation as may be required by the City. It is understood and agreed that \$250,000 is the maximum amount of public assistance to be provided for this project and that the City's approval of such eligible expenses will be limited to actual expenses incurred, as approved by the City, that are equal to, or less than, the maximum amounts set forth herein.

4. Development of Property. Developer plans to have at a minimum twelve (12) dwelling units. Said project shall be constructed to comply with applicable building codes of the City of Fargo.

5. Release and Indemnification Covenants.

(a) The Developer releases the City and the governing body members, officers, agents, including independent contractors, consultants and legal counsel and employees thereof (hereinafter, for purposes of this Section, collectively the "Indemnified Parties") from, covenants and agrees that the Indemnified Parties shall not be liable for, and agrees to indemnify and hold harmless the Indemnified Parties against, any loss or damage to property or any injury to or death of any person occurring at, about or in connection with the Developer's Property and/or Improvements, or the Developer's



undertaking and completion thereof, or resulting from any defect therein, except to the extent such loss, damage or death is caused by the negligence or other wrongful acts of the Indemnified Parties.

(b) Except for any willful misrepresentation or any willful or wanton misconduct or negligence of the Indemnified Parties, the Developer agrees to protect and defend the Indemnified Parties, now and forever, and further agrees to hold the aforesaid harmless from any claim, demand, suit, action or other proceeding whatsoever by any person or entity whatsoever arising or purportedly arising from this Agreement, or the transactions contemplated hereby or the acquisition, construction, installation, ownership, and operation of the Improvements, provided that this indemnification shall not apply to the warranties made or obligations undertaken by the City in this Agreement.

(c) The Indemnified Parties shall not be liable for any damage or injury to the persons or property of the Developer or its officers, agents, servants or employees or any other person who may be about the project due to any act of negligence of any person, other than any act of negligence on the part of any such indemnified party or its officers, agents, servants or employees.

(d) All covenants, stipulations, promises, agreements and obligations of the City contained herein shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the City and not of any governing body member, officer, agent, servant or employee of the City.

(e) This Agreement shall not create nor be construed to create any partnership, joint venture, agency, or employment relationship between the Parties.

6. Hazardous Substance Indemnity by Developer.

(a) The Developer hereby agrees to defend, indemnify and hold harmless the City, their officers, employees, agents, successors and assigns (hereinafter collectively referred to as the "Indemnitees") from and against, and shall reimburse each such Indemnitee for, any and all loss, claim, liability, damage, judgment, penalty, injunctive relief, injury to person, property or natural resources (including all costs associated therewith), cost, expense, action or cause of action arising as a direct result of any past, present or future existence, use, handling, storage, transportation, manufacture, release or disposal (collectively the "Occurrence") of any Hazardous Substance in, on or under the Developer's Property whether the Occurrence is foreseeable or unforeseeable, regardless of the source (provided that the source must have been later in time than the conveyance of the Developer's Property to the Developer), the time of the Occurrence or the time of discovery (hereafter collectively referred to as "Loss"). The foregoing indemnification against Loss includes, without limitation, indemnification against all costs at law or in equity of removal, response, investigation, or remediation of any kind, and disposal of such Hazardous Substances, all costs of determining whether the Developer's Property is in compliance with, and of causing the Developer's Property to be in compliance with, all applicable Environmental Laws, and the Indemnitees' reasonable attorneys' and consultants' fees, court costs and expenses incurred in connection with any thereof.

(b) The obligations of the Developer to indemnify the Indemnitees shall survive termination of this Agreement. The rights of the Indemnitees hereunder shall be in addition to any other rights or remedies which the Indemnitees may have against the Developer's Property and Developer under this Agreement or any other document or at law or in equity.

(c) Notwithstanding anything in this Agreement to the contrary, this indemnity shall not apply to:

(1) Any Loss incurred by any of the Indemnitees as a direct result of affirmative actions or inactions of any of the Indemnitees or their respective agents, employees and contractors as owner and operator of the Developer's Property if and to the extent such affirmative actions or inactions of the Indemnitee are a direct cause of the introduction and initial release of a Hazardous Substance in, on or under the Developer's Property.

(2) Anything which is the subject matter of an indemnity given by the City to the Developer, whether such indemnity arises under an agreement or by operation of law; and

(3) Any Occurrences which arise from property owned by the City or with respect to which the City has an obligation to cause compliance with all applicable Environmental Laws.

7. Assignability. It is understood and agreed by the parties that the Developer will retain an interest in the Developer's Property until completion of the project as proposed by Developer unless City shall otherwise agree with Developer in writing. City's approval shall not be unreasonably withheld.

8. Design Requirements. Developer's construction shall meet the design requirements below:

- (a) A minimum of twelve (12) dwelling units consisting of dwelling units with at least two bedrooms.
- (b) A minimum of Two Million Four Hundred Thousand and no/100 Dollars (\$2,400,000.00) in building improvements.
- (c) The building design shall meet the University Mixed Use zoning district design standards.
- (d) The front (south-facing) elevation shall be substantially in conformance

with the rendering attached hereto as Exhibit A.

Should Developer fail to substantially in compliance with these minimum requirements the City may revoke the PILOT exemption described herein. The Director of the Department of Planning and Development shall determine whether substantial compliance with the said minimum requirements has been met, such determination being subject to review upon request by Developer to the board of city commissioners. Revocation of the PILOT exemption shall be determined by the board of city commissioners.

9. Execution of Documents. The parties agree to execute such instruments as necessary to effect the terms of this agreement, including a Memorandum of Agreement prepared in such form as to be acceptable for recording in the Cass County Recorder's office containing the essential terms hereof necessary to place subsequent owners, lienholders and mortgagees on notice as to the existence of this agreement and the essential terms hereof.

10. Entire Agreement. This agreement contains all of the terms of the agreement between City and Developer and supersedes all oral negotiations. The provisions hereof shall be binding upon the successors and assigns of the parties hereto. Developer agrees to apprise any buyers or intended assigns of the existence and content of this agreement.

11. Amendments. This Agreement may be amended, modified, superceded, or canceled, and any of the terms, covenants, representations, warranties, or conditions hereof may be waived, only be a written instrument executed by the parties hereto or, in the case of a waiver, by the party waiving compliance.

12. Binding Agreement. All of the terms, covenants, representations, warranties and conditions of this Agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective successors, but this Agreement and the rights and obligations hereunder shall not be assignable by any party hereto without the express written consent of the other party.

13. Severability. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting

such provision it would become valid or enforceable, then such provision shall be deemed to be written, construed and enforced as so limited.

14. Non-waiver of contractual right. The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

15. Applicable law, jurisdiction and venue. This agreement shall be governed by the laws of the State of North Dakota and any dispute resulting in a lawsuit shall be heard in the Cass County District Court, State of North Dakota. The parties hereby submit to the personal jurisdiction of said Court.

DATED the day and year first above written.

ROOSEVELT FAMILY LOFTS, LLC,  
a North Dakota limited liability company

By \_\_\_\_\_

Its \_\_\_\_\_

CITY OF FARGO  
a North Dakota municipal corporation

By \_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

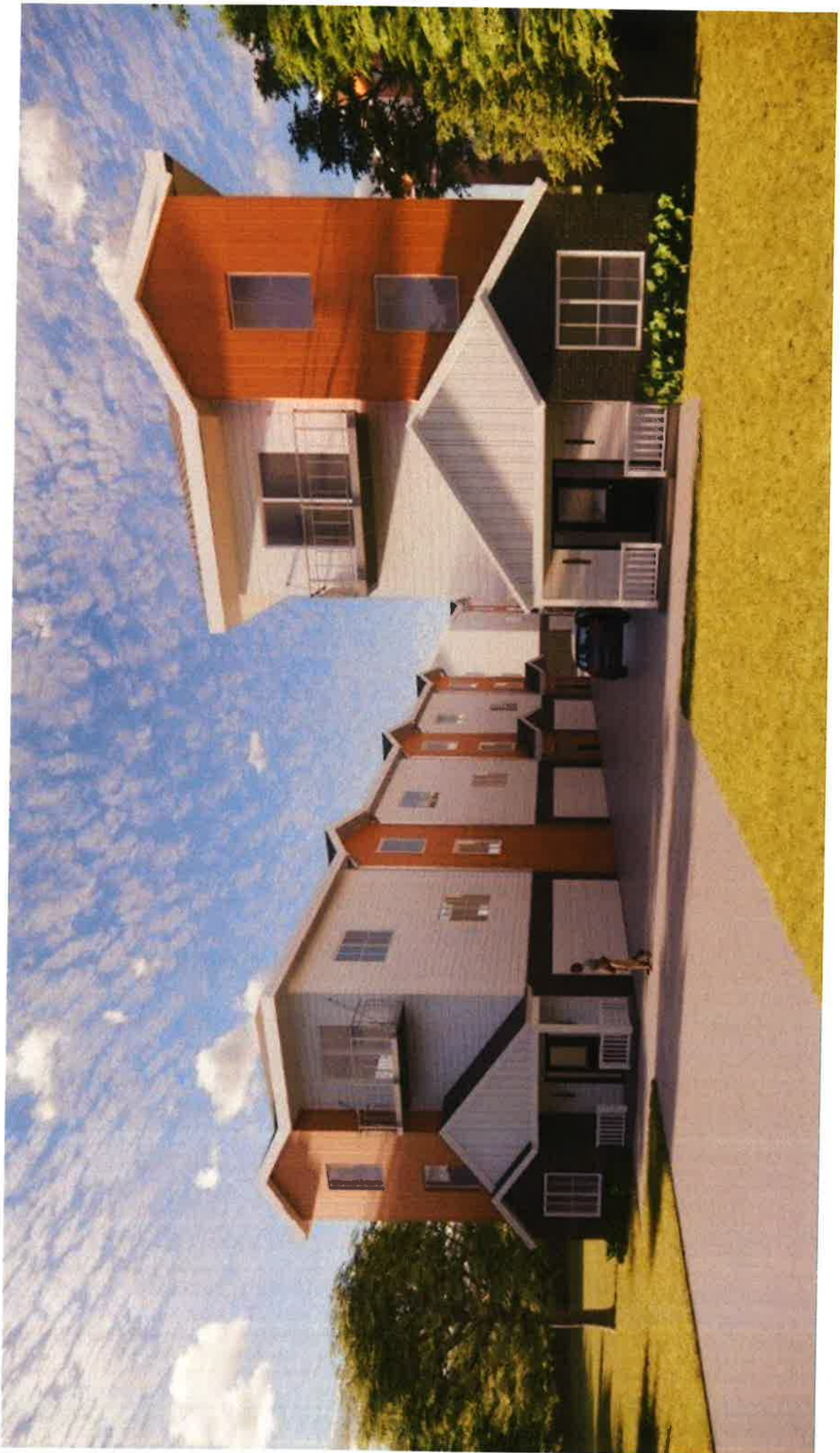
ATTEST:

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

**EXHIBIT A**

**Rendering -- Front (south-facing) Elevation**

**(attached)**



34

September 28, 2022

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

Re: Project #FM-15-J – 1458 South River Road Update

Honorable Commissioners:

In 2017, City Commission approved a motion to remove the property located at 1458 South River Road from the previously approved list of property acquisitions necessary for Project #FM-15-J. Since this action, City staff has been working with the property owner of 1458 South River Road on various alternatives for achieving flood protection at this property.

We are now at a point where we would like to present the alternatives evaluated for this property at your October 3<sup>rd</sup> Commission meeting. At this meeting, we will provide a short presentation of the alternatives as well as be available for any questions on them.

Respectfully,



Nathan Boerboom  
Division Engineer


C: Brenda Derrig, City Engineer  
John & Sherri Stern



40

**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: JIM GILMOUR, STRATEGIC PLANNING DIRECTOR** 

**DATE: SEPTEMBER 26, 2022**

**SUBJECT: ACQUISITION AND CLEARANCE OF 714 12TH STREET NORTH**

The Renewal Plan for the Roers/Newman Center project included an activity to acquire and demolish substandard buildings in the Roosevelt Neighborhood and make those properties available for single-family homes. The City of Fargo received \$29,723.85 in 2022 that can be used for that purpose. TIF income for this same purpose in 2023 will be ~\$137,000.00 with that money arriving in March.

A potential site for acquisition and demolition is 714 12th Street North. The property was acquired by 701 Brew with plans for a parking lot. However, the current zoning does not allow a parking lot and the Planning Department does not think a zoning change would be consistent with City plans.

The Inspections Department has determined that the house on the site is a dangerous building and asked for it to be demolished. A dangerous building hearing has been scheduled for October 3rd.

The owner of the property acquired it for \$30,000.00 and is willing to sell it to the City for \$29,000.00. If the City acquired the property, it could be demolished with the costs special assessed against the property. Those special assessments could be paid off with TIF money early next year.

The vacant lot could be developed as a single-family home by the Cass Clay Land Trust, Habitat for Humanity, by a private party.

The Finance Committee has reviewed the idea, and recommends approval.

**Recommendation**

Acquire 714 12th Street North for \$29,000 with TIF funds.



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

# 714 12th Street

This map is not a substitute for accurate field evidence or for location, actual property lines, and other pertinent facts.

**CITY ATTORNEY**

Nancy J. Morris

**ASSISTANT CITY ATTORNEYS**

Ian R. McLean ▪ Alissa R. Farol ▪ William B. Wischer

41

September 29, 2022

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

**RE: Article 18-03 and Article 11-02 Ordinance Amendments**

Dear Mayor and Commissioners,

First, I want to thank you for your patience as the City Attorney's office continues to work with staff through the myriad of issues presented by the use of the streets and sidewalks by performers and vendors, and particularly with the complexity of dealing with the increased noise levels due to greater activity, particularly in the downtown area. At the City Commission meeting on September 19, 2022, two revised ordinance revisions were presented for your consideration for second reading. This body delayed action and directed staff to obtain additional stakeholder and community input. At this time, staff is recommending the City Commission proceed with adopting the revisions to Article 18-03 relating to Use of Street, eliminating the requirement that Sidewalk Performers secure any permit to perform, and addressing appropriate time, place and manner restrictions to the performers use of the right of way. As for the proposed ordinances regarding noise, staff is requesting additional time to fully get a handle on what the downtown community wants, what level of noise is acceptable, and perhaps the engagement of an expert to better understand and implement the noise ordinance. Thus, staff is recommending that the revisions proposed to Article 11-02 be tabled at this time. In the meantime, the Fargo Police Department should be empowered to continue to use the existing tools in its toolbox to address existing problems.

Finally, I am looking for direction as to the requested modification regarding the number of amplified sound permits, as requested by Jade Presents at the last meeting. Does the Commission want to change the number of permits for events within 500 feet of a residential zoning district from 1 to 5, and have the revision placed on agenda for receive and file at the next Commission meeting, or does the City Commission wish to have this change included in the public engagement process in advance?

**Combined Suggested Motion as to Chapter 18, Article 18-03 only.** I move to waive the reading at length of the following ordinances: An Ordinance amending section 18-0310 and repealing sections 18-0310.1, 18-0310.2, 18-0310.3, 18-0310.4, 18-0310.5, 18-0310.6 and 18-0310.8 of Article 18-03 of Chapter 18 of the Fargo Municipal Code

Relating to Use and Care of Streets and Sidewalks and to approve the following amended Ordinance: An Ordinance amending section 18-0310 and repealing sections 18-0310.1, 18-0310.2, 18-0310.3, 18-0310.4, 18-0310.5, 18-0310.6 and 18-0310.8 of Article 18-03 of Chapter 18 of the Fargo Municipal Code Relating to Use and Care of Streets and Sidewalks.

Please feel free to contact me with any questions, comments or concerns.

Regards,

A handwritten signature in black ink, appearing to read "Nancy J. Morris". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nancy J. Morris

NJM/lmw

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

AN ORDINANCE AMENDING SECTION 18-0310 AND  
REPEALING SECTIONS 18-0310.1, 18-0310.2, 18-0310.3, 18-0310.4, 18-0310.5, 18-0310.6  
AND 18-0310.8 OF ARTICLE 18-03 OF CHAPTER 18  
OF THE FARGO MUNICIPAL CODE  
RELATING TO USE AND CARE OF STREETS AND SIDEWALKS

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

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

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

WHEREAS, the Board of City Commissioners has determined that an initial issuance fee may be required of any licensee which is the holder of a license from another subdivision over which the City of Fargo has required jurisdiction by annexation; and

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

NOW, THEREFORE,

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

Section 1. Amendment.

Section 18-0310 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby amended to read as follows:

18-0310.—Performers of sidewalk entertainment.

Performers of sidewalk entertainment, ~~who perform pursuant to a permit issued pursuant to this article,~~ may perform on any sidewalk or pedestrian way ~~within the Central Business District~~ provided that such performers shall:

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

- 1     A1. Not violate the prohibitions on disturbing, annoying and unnecessary noise as  
2     set forth in article 11-02 of the Fargo Municipal Code.
- 3     B2. Not violate the prohibitions on panhandling as set forth in Fargo Municipal  
4     Code section 10-0311.
- 5     C3. Not obstruct or cause to be obstructed pedestrian or vehicular traffic, including  
6     but not limited to not obstructing or causing to be obstructed sidewalks,  
7     doorways or other access areas. Entertainer must provide a minimum of 6 feet of  
8     pedestrian passageway. If a performer attracts a crowd sufficient to obstruct the  
9     public way, a police officer may disperse the crowd if the officer determines the  
10    crowd is resulted in an obstructed pathway. The officer may ask the performer  
11    to temporarily suspend a performance or to move to a less congested area.  
12    ~~Failure to cooperate with such request can lead to suspension and/or revocation  
13    of the sidewalk entertainer permit.~~
- 14    D4. Not sell records, tapes or other products.
- 15    E5. Perform only at times between the hours of 9:00 a.m. and 10:00 p.m.
- 16    F6. Not consume nor be under the influence of alcoholic beverages or other  
17    controlled substances while performing, in compliance with the North Dakota  
18    laws and regulations.
- 19    G7. Not perform any nearer than 150 feet from another professional sidewalk  
20    entertainer who is also performing.
- 21    H8. Not perform at locations designated for a community event or festival, unless  
22    permitted to play at the community event or festival by the event or festival  
23    coordinator, pursuant to section 18-0313.
- 24    I9. Comply with all federal, state and local laws when performing within the city,  
25    including but not limited to, the panhandling ordinance and the noise ordinance.
- 26    J. ~~Display at all times the city issued permit for sidewalk entertainment so that it  
27    can be easily seen by city staff or Fargo police. If such permit is not displayed as  
28    required, it will be assumed that the performer has no valid permit and the  
29    police will have authority to order the person to cease performing and move  
30    from the location if appropriate.~~
- 31    K10. Not perform within fifty (50) feet of a pushcart or permitted outdoor eating area.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

1 ~~L11.~~ Maintain the permitted area within a radius of ten feet free of trash and debris.

2 ~~M12.~~ Not create a fire hazard or use fire, knives, or dangerous items during a  
3 performance.

4 ~~N13.~~ Not engage in the application of tattoos or body piercing.

5 ~~O14.~~ Not include obscenity in a performance.

6 ~~P15.~~ Not engage in harassment or coercion of passersby.

7 ~~Q16.~~ Not display or offer food or drink for sale.

8 ~~R17.~~ Not display tables, lounge chairs, push carts or mobile display racks.

9 ~~S18.~~ Not block access to an entrance to a building.

10 ~~F19.~~ Not perform in a street, or not interfere with a motorist, either regarding the  
11 passage of a vehicle or the sight of its driver.

12 ~~U20.~~ Make no effort to reserve a location for sidewalk entertainment; performance  
13 locations shall be on a daily, first-come, first-served basis. ~~Permit holders~~  
14 Sidewalk entertainers shall abandon the location at the end of the day, including  
15 the removal of all personal property by 10:00 p.m.

16 ~~V.~~ ~~Not engage in fraudulent practices or solicitations, including, but not limited to~~  
17 ~~misrepresentation about the nature and type of organization with which the~~  
18 ~~permit holder is associated or misrepresentation or concealment of any material~~  
19 ~~fact in the application process.~~

20 ~~W21.~~ Not connect to electric outlets or power sources owned by the city or others  
21 without the express written permission to do so.

22 22. Not block or obstruct a curb cut.

23 23. Not perform on any bike path, without prior written approval from the city.

24. Not construct a stage or platform.

25. Not block a handicap parking spot.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

1                    26. Not leave any equipment, props, or other items unattended. Unattended items are  
2                    subject to removal as abandoned property.

3                    Section 2. Repeal.

4                    Section 18-0310.1 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby  
5                    repealed in its entirety.

6                    Section 3. Repeal.

7                    Section 18-0310.2 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby  
8                    repealed in its entirety.

9                    Section 4. Repeal.

10                   Section 18-0310.3 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby  
11                   repealed in its entirety.

12                   Section 5. Repeal.

13                   Section 18-0310.4 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby  
14                   repealed in its entirety.

15                   Section 6. Repeal.

16                   Section 18-0310.5 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby  
17                   repealed in its entirety.

18                   Section 7. Repeal.

19                   Section 18-0310.6 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby  
20                   repealed in its entirety.

21                   Section 8. Repeal.

22                   Section 18-0310.8 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby  
23                   repealed in its entirety.



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

Section 9. Penalty.

1 A person who willfully violates this ordinance is guilty of an infraction. Every person,  
2 firm or corporation violating an ordinance which is punishable as an infraction shall be punished  
3 by a fine not to exceed \$1,000; the court to have power to suspend said sentence and to revoke  
the suspension thereof.

4 Section 10. Effective Date.

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

7  
8  
9  
10 \_\_\_\_\_  
Dr. Timothy J. Mahoney, M.D., Mayor

11  
12 Attest:

13  
14 \_\_\_\_\_  
Steven Sprague, City Auditor

15 First Reading:  
16 Second Reading:  
17 Final Reading:  
18 Publication:  
19  
20  
21  
22  
23

## Memorandum

42

To: Mayor Mahoney and City Commissioners  
From: Cindy Graffeo, Executive Director  
Date: 9/28/2022  
Re: Downtown Safety Efforts

### Background and Information

Thank you for the opportunity to address the City Commission. The safety of our downtown area has been a top of mind in our community this summer, and we welcome the opportunity to share some of the work that the DCP is doing in this space. Earlier this summer, the DCP began to receive an increase in concerns regarding safety and nuisance issues downtown. When these began coming in, the DCP was asked to consider restarting the Quality of Life Committee. Here is some information regarding that committee and the other efforts the DCP is engaged in regarding public safety in the downtown area:

- Quality of Life Committee - This Committee has existed in several iterations over the years. It was at one time called the Downtown Safety Committee. It was renamed and was meeting monthly prior to the pandemic. Earlier this year, the DCP was asked to resume its efforts, and it has now been meeting monthly since June. The Quality of Life Committee is a diverse coalition of engaged community stakeholders with the shared goal of eliminating negative, unwanted interactions downtown. Members of this Committee include the Fargo PD, City Staff, elected officials, Downtown Engagement Center, Public Health and Homeless Health, Fargo Housing, the faith community, downtown property owners, businesses, and residents.
- Downtown Download - Hosted in partnership with the Fargo PD, every Downtown Download meeting is free, open to the public, shared on the City of Fargo and Fargo PD social media. Each meeting reviews downtown crime statistics, case updates, and previews any updates or upcoming initiatives the PD has. These meetings are an excellent opportunity for businesses and residents to learn, connect, and raise questions directly with the Fargo PD. These meetings are held monthly through the summer months and quarterly the rest of the year. The next Downtown Download is November 16, 2022.
- Business Improvement District Advisory Committee - the Downtown Business Improvement District contracts with Block by Block to provide Safety and Hospitality Ambassadors throughout the downtown area. The BID Advisory Committee meets monthly and is composed of business owners and property owners from all districts of downtown. The BID Advisory Committee is working to adjust the BID Zones that will increase staffing

and support levels in 2023. This is another venue where concerns regarding downtown safety can be raised.

- Downtown Neighborhood Association/DCP/Folkways/PD Touchpoint - Every month, representatives from the Downtown Neighborhood Association, DCP and BID, Folkways, and the Fargo PD meet to discuss upcoming events, challenges, and issues that collectively impact Downtown.
- Downtown Task Force - The Downtown Task Force was a standing meeting between DCP/BID and City Staff Department leaders to discuss issues impacting Downtown. I'm happy to share that Commissioner Strand organized a meeting this week to explore restarting this Task Force.

In addition to these groups, the DCP maintains frequent communication with our elected officials, contacts with the Fargo PD, Mobile Outreach Unit, the Downtown Engagement Center, businesses, property owners, and downtown residents.

We walk the streets of downtown every day. This is a district where we live, shop, work, play, and dine. Downtown Fargo is a dynamic, diverse community neighborhood. Challenges certainly arise as we continue to grow, and the DCP is working, and will continue to work to address the issues and challenges to make Downtown the best possible place it can be.

\*\*\*

### **Our Purpose**

The purpose of the Downtown Community Partnership (DCP) is to serve our community through Advocacy, People, and Events. DCP is a strong advocate for businesses, residents, and community partners focused on economic growth, vibrancy, and advocacy of Downtown Fargo.

### **Our Mission**

To promote and expand Downtown as a preferred destination with a strong sense of place filled with vibrant culture, art, and commerce. Ultimately we strive to be a dynamic force for an unforgettable, positive experience.



**Arlette Preston, City Commissioner**

Fargo City Hall

225 4th Street North

Fargo, ND 58102-4817

Phone: 701.715.2862 | Fax: 701.476.4136

Email: [APreston@FargoND.gov](mailto:APreston@FargoND.gov)

[www.FargoND.gov](http://www.FargoND.gov)

**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: CITY COMMISSIONER ARLETTE PRESTON**

**DATE: OCTOBER 3, 2022**

**SUBJECT: DOWNTOWN ISSUES**

There have been recent discussions at the City Commission meetings and on media outlets regarding issues affecting downtown. With those, there has been no opportunity for residents or businesses to fully participate in the discussions.

The Downtown Neighborhood Association has requested this item be placed on the agenda for them to provide input/feedback on the issues. They will be there to address the Commission.

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**TO: BOARD OF CITY COMMISSIONERS**  
**FROM: MAYOR TIMOTHY J. MAHONEY**  
**DATE: OCTOBER 3, 2022**  
**RE: 2023 BUDGET**



The 2023 preliminary budget and taxation hearing was held on September 19th. The purpose of the hearing was to allow public input on the proposed tax levies and any comments on the preliminary budget.

The City Commission is required to approve a final budget no later than October 7th, therefore, I am asking for your consideration of these recommendations.

**Suggested Motion:** To approve the preliminary budget as the final budget for 2023 and the proposed tax levies as presented.



*Alba*

September 6, 2022

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2913 Peterson Pkwy N as submitted by Andrew and Katie Doeden. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$2,569 with the City of Fargo's share being \$437.

Sincerely,

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

Mike Splonskowski  
City Assessor

nlb  
attachment

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

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

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

### Property Identification

1. Legal description of the property for which exemption is claimed LT 3, BLK 5 LONGFELLOW PARK

2. Address of Property 2913 PETERSON PKWY N

3. Parcel Number 01-1790-00840-000

4. Name of Property Owner ANDREW J & KATIE L DOEDEN RLT Phone No. 701-261-3245

5. Mailing Address of Property Owner SAME

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). FULL INTERIOR & EXTERIOR REMODEL OF DWELLING

7. Building permit No. 20090561 8. Year built (residential property) 1985

9. Date of commencement of making the improvements 10/06/2020

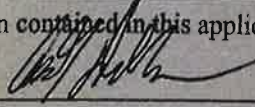
10. Estimated market value of property before the improvements \$ 361,100.00

11. Cost of making the improvement (all labor, material and overhead) \$ 556,500.00

12. Estimated market value of property after the improvements \$ 195,400.00


### Applicant's Certification And Signature

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

Applicant  Date 9/6/2022

### Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization  Date 7-16-2022

### Action Of Governing Body

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

Approval is subject to the following conditions: \_\_\_\_\_

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

Chairperson \_\_\_\_\_ Date \_\_\_\_\_



466

September 14, 2022

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3738 15 St S as submitted by Roger Buerkle and Laurie Vangsness. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$323 with the City of Fargo's share being \$55.

Sincerely,

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

Mike Splonskowski  
City Assessor

nlb  
attachment



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

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


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

### Property Identification

1. Legal description of the property for which exemption is claimed RUBY DELL SCHNELL  
BLK 14 LOT 7

2. Address of Property 3738 15 ST S

3. Parcel Number 01-2705-02620-000

4. Name of Property Owner BUERKLE, ROGER M & VANGSNESS,  Phone No. 701-371-4433

5. Mailing Address of Property Owner SAME AS ABOVE

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Kitchen remodel remove none bearing wall between kitchen and living room. New cabinets trim and flooring.

7. Building permit No. 2206-0567 8. Year built (residential property) 1984

9. Date of commencement of making the improvements 06/30/2022


10. Estimated market value of property before the improvements \$ 262,100.00

11. Cost of making the improvement (all labor, material and overhead) \$ 66,731.00

12. Estimated market value of property after the improvements \$ 328,831.00


### Applicant's Certification And Signature

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

Applicant  Date 9/10/22

### Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization  Date 9-10-2022

### Action Of Governing Body

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

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_



460

September 8, 2022

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1106 4 Ave S as submitted by C/D PKP Properties LLC. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$2,234 with the City of Fargo's share being \$380.

Sincerely,

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

Mike Splonskowski  
City Assessor

nlb  
attachment

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

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

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

### Property Identification

1. Legal description of the property for which exemption is claimed Lot 2 Block 39 Northern Pacific

2. Address of Property 1106 4 Ave S

3. Parcel Number 01-2140-00450-000

4. Name of Property Owner C/D PKP Properties LLC Phone No. 701 388 2700

5. Mailing Address of Property Owner CHARLES PETRY / SUSAKI PETRY

### Description Of Improvements For Exemption

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

7. Building permit No. \_\_\_\_\_ 8. Year built (residential property) 1890

9. Date of commencement of making the improvements 8/15/21

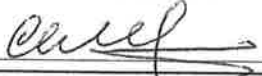
10. Estimated market value of property before the improvements \$ 120,000

11. Cost of making the improvement (all labor, material and overhead) \$ \$170,000 170,000

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


### Applicant's Certification And Signature

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

Applicant  Date 8/15/22

### Assessor's Determination And Signature

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

Assessor/Director of Tax Equalization  Date 9-16-2022

### Action Of Governing Body

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


Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_, 20\_\_\_, 20\_\_\_, 20\_\_\_, 20\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_

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MEMORANDUM

**TO: BOARD OF CITY COMMISSIONERS**  
**FROM: MAYOR TIMOTHY J. MAHONEY**   
**DATE: OCTOBER 3, 2022**  
**SUBJECT: HUMAN RIGHTS COMMISSION APPOINTMENTS**

The terms of Nancy Boyle, Abdiwali Sharif-Abdinasir, Cody Severson and Jed Locquiao on the Human Rights Commission expired on July 1, 2022. Ms. Boyle and Mr. Severson would like to continue their service on the Board; however, Mr. Sharif-Abdinasir and Mr. Locquiao no longer wish to serve.

I am recommending the reappointment of Ms. Boyle and Mr. Severson. Jacqueline Dotzenrod and Sekou T. Sirleaf have expressed interest in serving on the Human Rights Commission; therefore, I am recommending that they be appointed for three-year terms ending July 1, 2025. Web applications for Ms. Dotzenrod and Mr. Sirleaf are attached for your reference.

Your favorable consideration of these recommendations is greatly appreciated.

**RECOMMENDED MOTION:** To approve the reappointment of Nancy Boyle and Cody Severson and the appointment of Jacqueline Dotzenrod and Sekou T. Sirleaf to the Human Rights Commission for three-year terms ending July 1, 2025.

Attachments  
mmapppts22hrc

**Kember Anderson**

**From:** noreply@cityoffargo.com  
**Sent:** Tuesday, May 17, 2022 12:00 AM  
**To:** Commissions Applications  
**Subject:** New Form Submission: Getting involved in government

**Name:**  
[Jacqueline Dotzenrod]

**Mailing Address:**  
[REDACTED]

**City:**  
[Fargo]

**State:**  
[North Dakota]

**Zip:**  
[58103]

**Work Phone:**  
[REDACTED]

**Home Phone:**  
[REDACTED]

**E-mail:**  
[REDACTED]

**Which boards or commissions would you like to be considered for?**  
[Human Relations Commission]

**Briefly state why you would like to be on this panel:**  
[I am interested in serving on the Human Rights Commission as a person with disabilities.]

**How many hours per month could you volunteer as a panel member?**  
[No more than 20 hours/month.]

**Please list any past experience you have with city government here or in other cities:**  
[Spoke before the Fargo City Commission regarding accessibility - Appealed to the Native American Commission regarding a citizen task force on diversity and inclusion - Candidate for local office]

**Please describe any professional experience you have related to the responsibilities of the panel you are interested in:**  
[Former 911/EMS Dispatcher - Former news reporter covering local government, law enforcement, and business - Former city employee at Fargo Public Library & Gladys Ray Shelter]

**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**

**From:** noreply@cityoffargo.com  
**Sent:** Tuesday, July 20, 2021 12:09 AM  
**To:** Commissions Applications  
**Subject:** New Form Submission: Getting involved in government  
**Attachments:** Sekou T. Sirleaf (Electrical) Resume.pdf

**Name:**  
 [Sekou T. Sirleaf]

**Mailing Address:**  
 [REDACTED]

**City:**  
 [Fargo]

**State:**  
 [North Dakota]

**Zip:**  
 [58103]

**Work Phone:**  
 [BLANK]

**Home Phone:**  
 [REDACTED]

**E-mail:**  
 [REDACTED]

**Which boards or commissions would you like to be considered for?**  
 [Human Relations Commission]

**Briefly state why you would like to be on this panel:**  
 [Giving the growing number of African-Americans in the City of Fargo. I would like to serve on the Human Relations Commission to represent my community. Granted the opportunity to serve, I would work to build unity through strong partnerships.]

**How many hours per month could you volunteer as a panel member?**  
 [I am available to volunteer 1-5 hours per month.]

**Please list any past experience you have with city government here or in other cities:**  
 [My past experience extends from community involvement to foster development and unity working together with the local government in my country.]

**Please describe any professional experience you have related to the responsibilities of the panel you are interested in:**  
 [In addition, I am the Senior Pastor of the One Family Christian Center International in West Fargo, ND. Over the last five years, our ministry has provided various programs and events within the community.]

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