



West Fargo City Commission Meeting  
Monday, September 17, 2018  
Commission Chambers 5:30 PM

- A. Pledge of Allegiance
- B. Approve Order of Agenda
- C. Approval of Minutes – September 4, 2018 **(Pg 2-4)**
- D. Building Permits

**Consent Agenda – Approve the Following:**

- a. Resolution Authorizing Current President of the Board of City Commissioners to Execute Documents **(Pg 5-6)**
- b. Gaming Site Authorization for Prairie Public Broadcasting, Inc. Games to be conducted: Bingo, Pull Tab Jar, Pull Tab Dispensing Device, Electronic Pull Tabs, Twenty-One, and Poker from 10/1/18 to 6/30/19 at Wurst Bier Hall, 3179 Bluestem Drive **(Pg 7-8)**
- c. Games of Chance for the West Fargo Packer Backers. Games to be conducted: Raffle on 12/21/18 at West Fargo Sports Arena, 520 32 Ave W **(Pg 9)**
- d. Games of Chance for Tech Team Wrestling Club. Games to be conducted: Raffle on 12/20/18 at Tech Team Wrestling Room, 524 7 Ave NE **(Pg 10)**
- e. Accept Petition for Improvements for Sewer, Water, Storm and Street Improvement District No. 1321, Create Assessment District For Sewer, Water, Storm and Street Improvement District No. 1321, Authorize Engineer to Prepare Engineer’s Report **(Pg 11-13)**
- f. Approval of MOU for the Red River Valley Unmanned Aircraft Systems Team **(Pg 14-21)**

**Regular Agenda**

- 1. 5:30pm Public Hearing and Liquor License Approval for Hooligan’s – **Tina Fisk (Pg 22-30)**
- 2. 5:30pm Public Hearing and Liquor License Approval for Mackenzie River Pub and Grill – **Tina Fisk (Pg 31-51)**
- 3. 5:30pm Public Hearing and First Reading on the Rezoning of Southdale 2<sup>nd</sup> Addition – **Tim Solberg (Pg 52-79)**
- 4. 5:30pm Public Hearing for the Property Tax Exemption for Cass County Housing Authority – **Matt Marshall (Pg 80-84)**
- 5. Review Property Tax Exemption Application for Cass County Housing Authority Redevelopment – **Matt Marshall (Pg 85-97)**
- 6. Review Resolution of Sponsorship for Housing Authority of Cass County Property Acquisition and Letter of Support for Demolition– **Larry Weil (Pg 98-100)**
- 7. Review of Sheyenne Street Phase 3 Cost Participation Agreement – **Chris Brungardt (Pg 101-111)**
- 8. Review Accelerated Greenworks Request for Installation of Custom Green Space – **Jodi Kallias (Pg 112-115)**
- 9. Review Proposed Engineered and Loose Fills as Project Costs for Sewer, Water, Storm and Street Improvement District No. 1321 – **Jon Youness (Pg 116-117)**
- 10. Review Proposed Roadway Section for 11<sup>th</sup> Street West for Wilds 11<sup>th</sup> Addition – **Jon Youness (Pg 118-119)**
- 11. Enterprise Fund Budget Review – **Tina Fisk**
- 12. City Administrator’s Report
- 13. Correspondence
- 14. Adjourn



West Fargo City Commission Meeting  
Tuesday, September 4, 2018  
Commission Chambers 5:30 PM

The West Fargo City Commission met on Tuesday, September 4, 2018, at 5:30 pm. Those present were Eric Gjerdevig, Mark Simmons, Bernie Dardis, Brad Olson and Mike Thorstad. Commission President Bernie Dardis called the meeting to order.

The Pledge of Allegiance was recited.

Commissioner Simmons moved and Commissioner Gjerdevig seconded to approve the order of agenda with the addition of Consent Agenda Item 'f'. No opposition. Motion carried.

Commissioner Olson moved and Commissioner Thorstad seconded to approve the minutes of August 20, 2018. No opposition. Motion carried.

The Commission reviewed the Building Department Activity Report dated September 3, 2018 and Building Permits #633-681.

Commissioner Thorstad moved and Commissioner Gjerdevig seconded to approve the following items from the Consent Agenda:

- a. Resolution Approving Contract and Contractor's Bond in Street Improvement District No. 2239
- b. Schedule a Public Hearing for the Southdale 2<sup>nd</sup> Addition, Replat and Rezoning from R-2: Multiple Dwellings to PUD: Planned Unit Development at 5:30pm on Monday, September 17, 2018
- c. Games of Chance for the North Dakota Hospital Association. Games to be conducted: Raffle from 9/1/18 to 10/11/18 at Doubletree by Hilton, 825 E. Beaton.
- d. Games of Chance for the Sheyenne Mustangs Booster Club. Games to be conducted: Raffle and 50/50 Raffle from 8/20/18 to 6/30/19 at Sheyenne High School, 800 40<sup>th</sup> Ave E
- e. Games of Chance for Interested Parents of Packatahnas. Games to be conducted: Raffle from 11/1/18 to 11/30/18 at IPOP, 1462 7 St E
- f. Resolution of Offer to Purchase

No opposition. Motion carried.

Planning & Zoning Director Tim Solberg appeared before the Commission for a 5:30pm Public Hearing and First Reading of Maple Ridge at the Preserve 6<sup>th</sup> Addition. The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed. After discussion, Commissioner Thorstad moved and Commissioner Gjerdevig seconded to put on First Reading. No opposition. Motion carried.

Planning & Zoning Director Tim Solberg appeared before the Commission to review the updated plans for Dollar General. After discussion, Commissioner Simmons moved and Commissioner Olson seconded to approve the updated plans as presented for Dollar General. No opposition. Motion carried.

Planning & Zoning Director Tim Solberg appeared before the Commission for the final plat approval of Charleswood 33<sup>rd</sup> Final Plat and PUD Amendment Approval. Mr. Solberg stated that the application was approved by the Planning & Zoning Commission on August 14<sup>th</sup>, and comments from the Sanitation Manager are being addressed by staff. Commissioner Thorstad moved and Commissioner Olson seconded to approve the final plat with the six recommendations listed in the staff report. No opposition. Motion carried.

City Administrator Tina Fisk appeared before the Commission to review the Master Service Agreement with Moore Engineering. After discussion, Commissioner Olson moved and Commissioner Simmons seconded to adopt the Master Service Agreement with Moore Engineering and Task Orders 2 and 3, with amendment to the Exclusivity Clause. No opposition. Motion carried.

City Attorney John Shockley appeared before the Commission for a KPH Request for Waiver. After discussion, Commissioner Simmons moved to deny the request for waiver. There was no second. The motion failed. Commissioner Thorstad moved and Commissioner Gjerdevig seconded to approve KPH's Request for Waiver, with the recommendation from the City Attorney to have a 40% retainage for Project 3002. Commissioner Simmons voted opposed. The majority having voted in favor, the motion carried.

City Engineer Dustin Scott appeared before the Commission to review the bid tab for Infrastructure Replacement District No. 3002. Commissioner Thorstad moved and Commissioner Olson seconded to award the contract to KPH for \$174,598 with a modification to the contract for 40% retainage until 90% of the work is completed. Commissioner Simmons voted opposed. The majority having voted in favor, the motion carried.

City Administrator Tina Fisk appeared before the Commission and discussed the following in regards to the City Administrator's Report:

- Special Assessment Committee neighborhood meeting
  - i. 8/21
  - ii. Hayden Heights residents
- Special Assessment Committee Meeting
  - i. Thursday at 5:30pm
- Enterprise funds at next meeting with any rate changes to review
- Final budget on October agenda

Economic Development Director Matt Marshall appeared before the Commission to discuss a non-agenda item, Governor Burgum's visit to West Fargo on September 21<sup>st</sup> for the Main Street Event. After discussion, Commissioner Simmons moved and Commissioner Olson seconded to move forward with declaring the City of West Fargo as a Main Street Community. No opposition. Motion carried.

There was no correspondence.

Commissioner Olson moved and Commissioner Gjerdevig seconded to adjourn the meeting. No opposition. The meeting was adjourned.

---

Bernie Dardis  
Commission President

---

Tina Fisk  
City Auditor

Consent Agenda Item: a

Commissioner \_\_\_\_\_ introduced and moved the adoption of the following resolution:

RESOLUTION AUTHORIZING CURRENT  
PRESIDENT OF THE BOARD OF CITY COMMISSIONERS  
TO EXECUTE DOCUMENTS

WHEREAS, the City Commission has authorized the following documents:

1. Resolution authorizing street name change. (09/05/17)
2. Resolution Approving Amended Plans and Specifications for Improvements in Sidewalk District No. 6054. (06/18/18)
3. Resolution Accepting Bid in Storm Sewer Improvement District No. 1318. (06/18/18)
4. Resolution Authorizing the Issuance of Temporary Improvement Warrants. (06/18/18)
5. Resolution approving the Plat of Harper Heights First Addition. (06/18/18)
6. Ordinance No. 1111 (second reading held 03/05/18).
7. Ordinance No. 1125 (second reading held 06/18/18).

and;

WHEREAS, the election for the office of President of the Board of City Commissioners was held on June 12, 2018, at which time a new President of the Board of City Commissioners was elected; and

WHEREAS, the above actions are memorialized by resolution, and the current President of the Board of City Commissioners may execute the same.

NOW, THEREFORE, be it resolved by the Board of City Commissioners of the City of West Fargo, that Bernie L. Dardis, the new President of the Board of City Commissioners, be authorized to execute the above-referenced documents.

Dated: September 17, 2018.

\_\_\_\_\_  
President of the Board of City Commissioners

ATTEST:

\_\_\_\_\_  
City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner \_\_\_\_\_. On roll call vote, the following commissioners voted aye: \_\_\_\_\_  
\_\_\_\_\_. The following commissioners voted nay: \_\_\_\_\_. The following commissioners were absent and not voting: \_\_\_\_\_. The majority having voted aye, the motion carried and the resolution was duly adopted.



**GAMING SITE AUTHORIZATION**  
 OFFICE OF ATTORNEY GENERAL  
 SFN 17996 (02/2018)

G - \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization **Prairie Public Broadcasting, Inc**

The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location <b>Wurst Bier Hall</b>			
Street <b>3179 Bluestem Dr.</b>	City <b>West Fargo</b>	ZIP Code <b>58078</b>	County <b>Cass</b>
Beginning Date(s) Authorized <b>10/1/18</b>	Ending Date(s) Authorized <b>6/30/19</b>	Number of twenty-one tables if zero, enter "0": <b>1</b>	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) <b>Games are conducted and played throughout the entire facility, excluding the restroom.</b>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

**RESTRICTIONS (City/County Use Only)**

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

<input checked="" type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input checked="" type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input checked="" type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input checked="" type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input checked="" type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input checked="" type="checkbox"/> ELECTRONIC Pull Tab Device		

**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

**INSTRUCTIONS:**

1. City/County-Retain a **copy** of the Site Authorization for your files.
2. City/County-Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

**RETURN ALL DOCUMENTS TO:**

Office of Attorney General  
 Licensing Section  
 600 E Boulevard Ave, Dept. 125  
 Bismarck, ND 58505-0040  
 Telephone: 701-328-2329 **OR** 800-326-9240

*ck # 22516  
 9/12/18 \$100.-*



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 05-2018)

License Number (Office Use Only)

Site Owner (Lessor) Sausage King L L C		Site Name Wurst Bier Hall		Site Phone Number
Site Address 3179 Bluestem Dr	City West Fargo	State ND	Zip Code 58078	County Cass
Organization (Lessee) Prairie Public Braodcasting, Inc		Rental Period 10/1/2018 to 6/30/2019		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$
		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ _____		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$
				\$ 300.00
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device <input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____ No additional rent is allowed for electronic pull tabs. Rent must be based on dispensing device requirements per NDCC 53-06.1-11 (5)(a)(b)		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 175.00
Total Monthly Rent				\$ 475.00

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

**TERMS OF RENTAL AGREEMENT:**

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title President + Wm	Date 9-6-18
Signature of Lessee 	Title President + CEO	Date 9/6/18

(over)

SEP 13 2018



**APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT**  
 OFFICE OF ATTORNEY GENERAL  
 SFN 9338 (9-2009)

Application for:  Local Permit  Charity Local Permit (one event per year)

Name of Non-profit Organization <b>West Fargo Packer Backers</b>		Date(s) of Activity <b>12/21/18 to 12/21/18</b>	
Person Responsible for the Gaming Operation and the Disbursement of Net Income <b>Jade Nelson</b>		Title <b>Vice President</b>	Business Phone Number <b>701-388-9648</b>
Business Address <b>801 9th Street E</b>	City <b>West Fargo</b>	State <b>ND</b>	Zip Code <b>58078</b>
Mailing Address (if different) <b>PO Box 863</b>	City <b>West Fargo</b>	State <b>ND</b>	Zip Code <b>58078</b>
Name of Site Where Game(s) will be Conducted <b>West Fargo Sports Arena</b>		Site Address <b>520 32nd Ave W</b>	
City <b>West Fargo</b>	State <b>ND</b>	Zip Code <b>58078</b>	County <b>Cass</b>
Check the Game(s) to be Conducted: *Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

**DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED**

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Hockey Puck Toss	Cash Prizes	\$1,500/total			
Total:					(Limit \$12,000 per year) <b>\$ 1,500</b>

Intended uses of gaming proceeds: Hockey fundraiser, all proceeds go towards non budgeted items ie team meals, uniforms

Does the organization presently have a state gaming license?  No  Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30?  No  Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30?  No  Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ \_\_\_\_\_. This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official 	Date <b>9/7/18</b>	Title <b>President</b>	Business Phone Number <b>701-261-6625</b>
--	-----------------------	---------------------------	--

CK # 5021  
 9/13/18  
 #10





August 28, 2018

City of West Fargo  
Attn: Ms. Tina Fisk, City Administrator  
800 Fourth Ave E. Suite #1  
West Fargo, ND 58078

RE: Wilds 11<sup>th</sup> Street and Utility Improvement Request

Dear Ms. Fisk,

We are legal and equitable owners of properties in the proposed plat area named The Wilds 11<sup>th</sup> Addition listed on Exhibit A (hereinafter the "Properties").

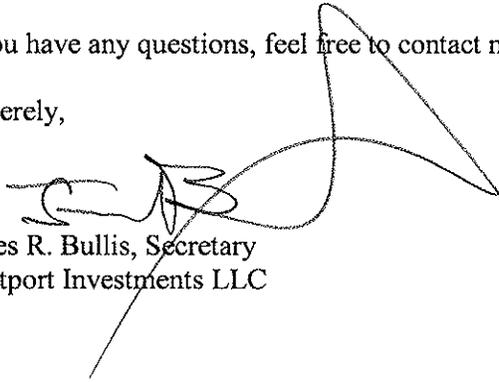
We hereby petition the City Commission of the City of West Fargo to create an improvement district for the purpose of constructing the following municipal improvements: Sanitary Sewer, Water Main, Storm Sewer, Curb and Gutter, Concrete Streets, Sidewalks, Street Lights and other necessary improvements to all lots and blocks contained in the Wilds 11<sup>th</sup> plat and make the development complete (hereinafter the "Improvements").

We hereby certify that we are the legal and equitable owners of the listed Properties and have the authority to grant the City of West Fargo the necessary easements, rights of ways, fee simple, dedications and other interests on these Properties that may be required to complete the construction of the Improvements on our Properties.

We agree that pursuant to North Dakota Century Code Chapters 40-23 through 40-32 that the City shall assess the appropriate cost of the Improvements against our Properties among other benefitting properties and hereby agree to pay the cost as levied and apportioned by the city.

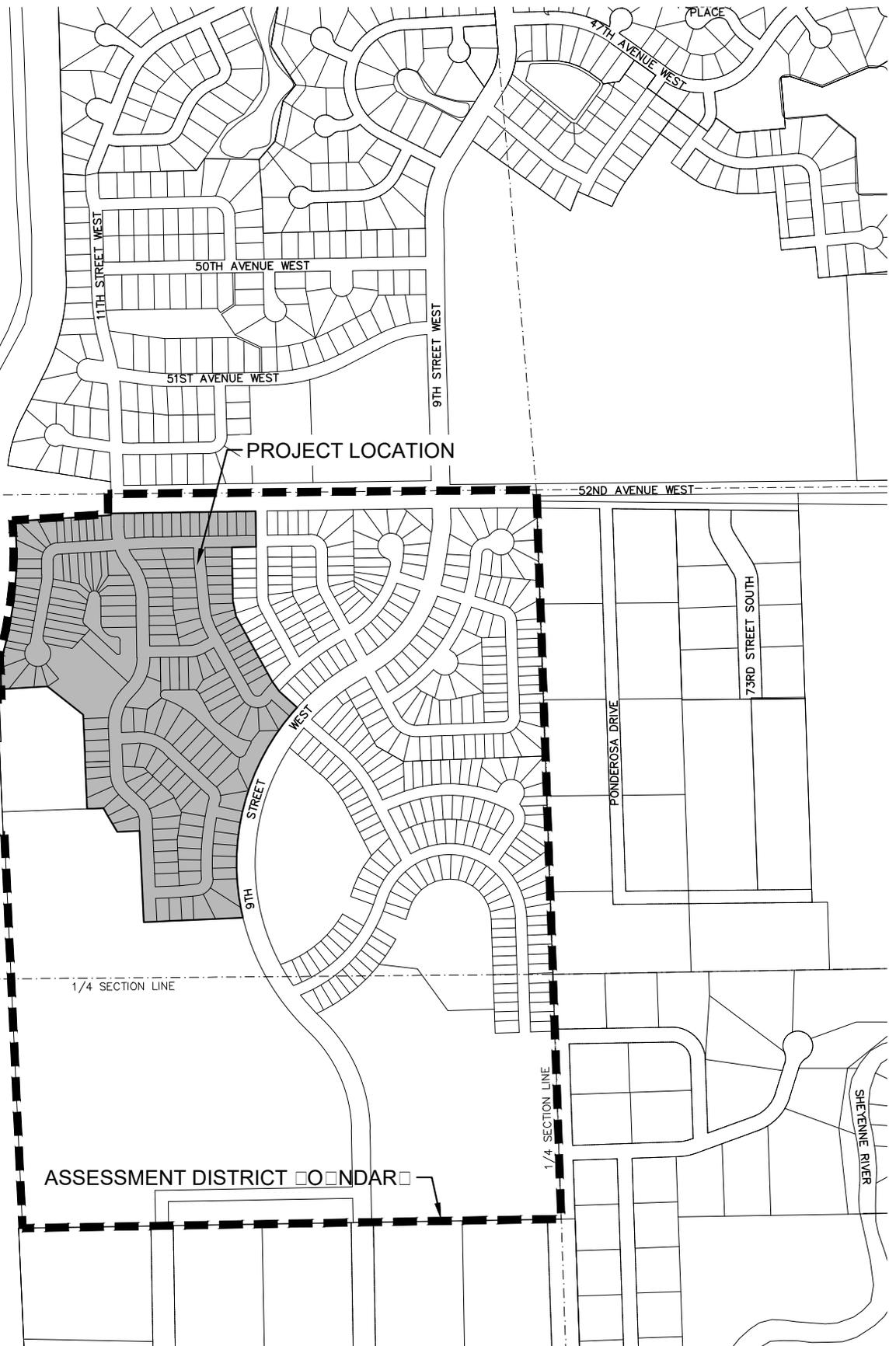
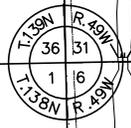
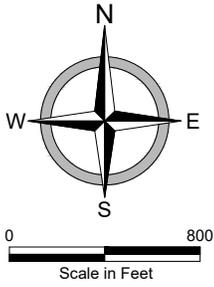
If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'James R. Bullis', is written over a large, stylized, handwritten number '3'. The signature is fluid and cursive.

James R. Bullis, Secretary  
Westport Investments LLC

Cc: Chris Brungardt, Public Works Director  
Dustin Scott, City Engineer  
Matt Welle, Assistant City Engineer



SEWER, WATER, STORM AND STREET  
 IMPROVEMENT DISTRICT NO. 1321  
 THE WILDS 11TH ADDITION  
 WEST FARGO, NORTH DAKOTA

PROJECT No.	20358
DATE:	09.12.18
REVISED:	-
DRAWN <input type="checkbox"/>	TWD
CHECKED <input type="checkbox"/>	AJS



---

## **AGREEMENT FOR THE JOINT OPERATION OF RED RIVER VALLEY UNMANNED AIRCRAFT SYSTEMS TEAM**

---

This Agreement for the Joint Operation of Unmanned Aircraft Systems is made and entered into by and between the Fargo, ND Fire Department, the Fargo, ND Police Department, the Cass County, ND Sheriff's Office, the West Fargo ND Fire Department, and the West Fargo, ND Police Department.

**Purpose.** The purpose of this Agreement is to establish a framework that allows for the joint operation of unmanned aerial systems by the aforementioned agencies. By combining resources of said agencies, the parties would benefit by reducing and/or eliminating duplication of equipment and staff time. The goal of this Agreement is to reduce the financial burden to the respective government's taxpayers through the sharing of equipment and resources, as well as improve emergency services.

The entity created hereunder shall be known as the Red River Unmanned Aerial Systems, referred to herein as "RRUAS".

Witnesseth

Whereas, the above-described parties wish to enter into this Agreement regarding the Joint Operation of and Unmanned Aerial System; and

Whereas, the parties to this Agreement believe and state that the formation of this Agreement is in the best interests of their respective governmental units to confront threats to public health and safety, including criminal activity and natural or manmade emergencies of disasters; and

Whereas, the parties to this Agreement individually do not possess all of the necessary resources to cope with every possible incident, crime, emergency or disaster by itself, and an effective, efficient response can best be achieved by the Joint Operation of Unmanned Aerial Systems duties between the parties to this Agreement; and

Whereas, the parties to this Agreement have determined it is in the best interest of all parties to this Agreement to jointly establish unmanned aerial systems duties and to share or lend resources necessary to assist each party's agency; and

Whereas, this Agreement contains the terms, financial and otherwise, as regards to said joint operation of unmanned aerial system.

Now, therefore, in consideration of the mutual promises and Agreements contained herein, the parties do hereby agree as follows:

## Article I: Definitions

**Agency:** means a fire or law enforcement agency from the state of North Dakota.

**Agreement:** means this Agreement for the Joint Operation of Unmanned Aerial System, which sets forth the services provided as well as the terms, and conditions under which the services are provided, and includes exhibits, addendums and any renewals or attachments.

**Authorized Representative:** The chief fire and law enforcement officer, or designee of a participating agency to this Agreement, who has authorization to request or provide assistance under the terms of this Agreement.

**Assisting Agency:** An agency participating in this Agreement that provides staffing, equipment, facilities and resources to a participating agency from another jurisdiction that has requested assistance under the terms of this Agreement.

**Emergency:** Any incident(s), human-caused or natural, that requires responsive action to save lives; protect property and public health and safety; or to lessen or avert the threat to public safety and which is beyond the capacity of an individual agency to effectively control.

**Incident Commander:** The official, or designee, of a participating agency responsible for overseeing a request for assistance under this Agreement.

**Requesting Agency:** An agency participating in this Agreement that has requested assistance from another agency participating in this Agreement.

## Article II: Request and Assistance

- A. Each party agrees that in the event of a request for assistance from a requesting agency, the assisting agency will furnish available personnel, equipment, facilities, or services, provided that the assistance will not unreasonably diminish the assisting agency's capacity to provide public safety services within its jurisdiction.
- B. In order to request assistance under this Agreement, the authorized representative from the requesting agency shall contact the authorized representative of the assisting agency by voice communication system, in writing, or through a message relay provided by an emergency dispatch center. Any request for assistance must include a statement of the amount and type of equipment and personnel requested, and shall specify the location where the equipment and personnel are dispatched. The assisting agency may request information from the requesting agency necessary to confirm the nature of the request and to assess the types and amounts of assistance it is able to provide to the requesting agency. In the event a request for assistance is made under this Agreement, communications must be established between the requesting and assisting agencies, when possible, by a locally established communications plan, by utilization of the statewide frequency management interoperability plan or other shared communication system.
- C. All personnel from assisting agencies shall report to, and shall work under the direction of the designated incident commander or unified command structure. Personnel from the participating agencies identified in this agreement shall not assume incident command for any requesting agency with the exception of that persons own specific agency. Personnel from participating agencies identified in this agreement may provide recommendations to incident command when appropriate and requested to meet mission goals and objectives. Tactical teams (e.g., UAS, bomb disposal, hazardous material, canine teams, special weapons, technical rescue and tactics units), once authorized to undertake assignments, shall operate under the direction of their division, group, task force or strike team supervisor or leader. The assisting agency may withdraw its personnel and equipment

when it is deemed to be in the best interest of the assisting agency and following notice provided to the requesting agency of the intended action as noted in Article II subsection E below.

- D. Any public safety officer acting under this Agreement must be licensed or certified as determined by their agency or certifying authority.
- E. Assisting agency personnel and equipment shall be released by the requesting agency when the resources of the assisting agency are no longer needed. The assisting agency may also withdraw its personnel and equipment when it is deemed to be in the best interest of the assisting agency and following notice provided to the requesting agency of the intended action. The assisting agency may withdraw resources if it determines response conditions are beyond acceptable risk. There will be no liability for withdrawal placed on or transferred to the assisting agency.
- F. The requesting agencies agree to reimburse assisting agencies for the actual costs of personnel, equipment, facilities, and related resources used during the period of assistance unless mutually accepted costs associated with these resources have been pre-identified in addendum to this Agreement. The assisting agency(ies) may waive all or any part of the payment for costs at its (their) sole discretion depending on the reasonable value of the resources committed and the length of the deployment. Funding sources associated with this Agreement may include any or all combinations of federal, state, local and private funding. The participating agencies understand federal reimbursement is contingent upon policy and practice and availability. If participating agencies routinely waive response costs, the costs normally acceptable for federal reimbursement may be ineligible. All reimbursement requires proper documentation, accountings, inventories, receipts, and other evidence of expenses provided by the assisting agency.
- G. Workers' Compensation and Liability
  - 1) Workers ' Compensation Coverage: Each participating agency shall be responsible for its own actions and those of its employees and is responsible for complying with the rules established within the State of residence of the participating agency.
  - 2) Automobile Liability Coverage: Each participating agency is responsible for its own actions and is responsible for complying with the motor vehicle financial responsibility laws of the State of the participating agency. Each participating agency agrees to obtain automobile liability coverage with at least a \$100,000.00 per person and \$300,000.00 per occurrence limit and coverage extended to owned, non-owned, and hired vehicles. It is understood that the participating agency may include in the emergency response volunteer agencies or individuals that have motor vehicles titled in the name of the volunteer agency or individual. It is the responsibility of participating agency to determine if the volunteer agency or individual has automobile liability coverage as outlined in this section.
  - 3) General Liability, Public Officials Liability, and Law Enforcement Liability:
    - (a) Each participating agency is responsible for its own acts and agrees to assume its own liability for those acts and consequences. The liability of any participating North Dakota state agency is governed by N.D.C.C. ch. 32-12.2, and the liability of any North Dakota political subdivision ' s participating public safety agency is governed by N.D.C.C. ch. 32-12.1. public safety
    - (b) Under no circumstances shall any participating agency be required to pay in excess of its statutory liability limits under North Dakota law.
    - (c) Liability. The limits of liability for some or all of the parties may not be added

together to determine the maximum amount of liability for each party.

- 4) The execution of this Agreement shall not give rise to any liability or responsibility for failure to respond to any request for assistance made pursuant to this Agreement. This Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever hereunder for any cause whatsoever.

H. Each participating agency shall develop and update on a regular basis a plan providing for the effective mobilization of its officers, resources and facilities.

I. The participating agencies agree to meet on a regular basis to develop, review and modify as necessary all interagency assistance plans and the provisions of this Agreement.

In order to maintain the efficient implementation of this Agreement, the chief authorized representatives of participating agencies, shall designate authorized representatives to a Joint Board of Authority oversight committee. Each agency shall:

- 1) Appoint one member to the Joint Board of Authority.
- 2) Provide information upon request to participating agencies concerning available staffing per shift, equipment, facilities and specialized units.
- 3) Negotiate modifications to or renewal of the Agreement.
- 4) Develop of an annual budget that will be presented to the chief authorized representatives of the participating agencies.

### **Article III: Other terms**

A. **EFFECTIVE DATE AND DURATION OF AGREEMENT:** Nothing within this Agreement shall prevent any participating agencies from entering into similar Agreements with any other public safety agency.

B. **MERGER:** This Agreement constitutes the entire Agreement between the participating agencies. No waiver, consent, modification, or change of terms of this Agreement shall bind the participating agencies unless in writing and signed by the parties. Any waiver, consent, modification or change, if made, shall be effective only for the specific purposes given. There are no understandings, Agreements, or representations, oral or written, not specified herein regarding this Agreement. The parties, by their signatures below of their authorized representatives, hereby acknowledge that they have read this Agreement, understand it, and agree to be bound by its terms and conditions.

C. **SEVERABILITY** The participating agencies agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not

be affected, and the rights and obligation of the participating agencies shall be construed and enforced as if the Agreement did not contain the particular term or provision.

In witness whereof, this Agreement has been executed and approved and is effective and operative as to each of the parties as herein provided.

**CITY OF FARGO**

\_\_\_\_\_  
Steven J. Dirksen, Fire Chief

\_\_\_\_\_  
David Todd, Police Chief

This Agreement has been approved by the Fargo City Commission, this date September 10, 2018.

\_\_\_\_\_  
Timothy Mahoney, Mayor

Attest:

\_\_\_\_\_  
Bruce Grubb, City Administrator

In witness whereof, this Agreement has been executed and approved and is effective and operative as to each of the parties as herein provided.

**CITY OF WEST FARGO**

\_\_\_\_\_  
Daniel Fuller, Fire Chief

\_\_\_\_\_  
Heith Janke, Police Chief

This Agreement has been approved by the West Fargo City Commission, this date September 10, 2018.

\_\_\_\_\_  
Bernie Dardis, Commission Chair

Attest:

\_\_\_\_\_  
Tina Fisk, City Administrator

In witness whereof, this Agreement has been executed and approved and is effective and operative as to each of the parties as herein provided.

**CASS COUNTY**

\_\_\_\_\_  
Paul Laney, Sherriff

This Agreement has been approved by the Cass County Commission, this date September 10, 2018.

\_\_\_\_\_  
Rick Steen, Chair, Cass County Commission

Attest:

\_\_\_\_\_  
Mike Montplaisir, County Auditor



# West Fargo Police Department

800 4th Ave E, Suite 2 West Fargo, ND 58078 | 701-433-5500 | westfargopolice.com

**Heith R. Janke**  
Chief of Police

08/27/2018

Liquor background update

Business-Hooligans' bar

533 32<sup>nd</sup> Ave. West

Contact person: Robert Klinger-701-388-3304

City Commission:

Upon receiving the updated liquor license application for Hooligans Bar, the West Fargo Police Department did a background check regarding the following: Banking, accounts receivable, beverage vendors, employee roster regarding sever training, criminal backgrounds, and a check of the new building location.

Regarding the above stated background checks, Hooligans bar is in good standing financially with Black ridge bank, beverage vendors,(no outstanding past due bills), employees Roster will stay the same for now with no additions, criminal background checks on the manager and owner are clear. A check on the building at 533 32<sup>nd</sup> Ave. West found construction materials at the site. The new site for Hooligans has been approved through Blackridge Bank as well as the small business loan application process, confirmed by Mark Knutson with Blackridge Bank.



# West Fargo Police Department

800 4th Ave E, Suite 2 West Fargo, ND 58078 | 701-433-5500 | westfargopolice.com

**Heith R. Janke**  
Chief of Police

On Friday the 31<sup>st</sup> I received a message from Mr. Klinger in regards to the building insurance. The same company will be handling the insurance for the new building, according to Mr. Klinger sever training for his employees was updated in July and that was sent to Stanna Flom

I checked with Mrs. Flom and Hooligans is in compliance with their server training.

Hooligans Bar is in good standing with no concerns to report.

Sincerely,

Lt. Greg Warren



AUG 17 2018

When completed please mail to: West Fargo City Hall  
800 4th AVE E STE 1  
West Fargo ND, 58078  
If you have any questions, please call: (701)433-5300

### LIQUOR LICENSE APPLICATION - PRE-APPROVAL REVIEW (FORM A)

All licenses expire each year on June 30th. (New license fees will be prorated with the number of months remaining in a license year)

Requests for Liquor Licenses require an administrative review prior to consideration by the City Commission. Administrative fees are utilized to offset the cost of this process and are non-refundable. If your license request is granted, you will be asked to complete a Post Approval Liquor License form to calculate final license fees.

For period beginning \_\_\_\_\_ and ending June 30, \_\_\_\_\_  
Business Name: WF Holdings Inc  
DBA/Name: Hooligans  
Business Address: 533 32nd Ave W. West Fargo ND  
Phone #: 701-373-0770 Cell Phone: 701-388-3304 Email: Rj.Klinger@hotmail.com

I. TYPE OF LICENSE(S) APPROVED:

(CIRCLE THE APPROPRIATE LICENSES AND CALCULATE TOTAL FEES)

#### Application Review Fees

Retail On and Off Premises Liquor	\$375
Retail On and Off Premises Beer/Wine	\$100
Retail On Premises Liquor	\$275
Retail On Premises Beer/Wine	\$150
Retail Off Premises Liquor	\$275
Retail Off Premises Beer/Wine	\$150
Retail Club/Lodge On Sale Liquor	\$250
Retail Club/Lodge On Sale Beer/Wine	\$38
Wholesale	\$250
Total Due	<input type="text"/>

- \* If you are applying for a **Club License**, how many members do you have at this time? \_\_\_\_\_
- \* If you are applying for a **On-Premises Liquor License** and plan to serve food:  
Will you allow people under the age of 21 in your establishment? Yes If yes, do you anticipate that the sale of food will exceed the sale of alcoholic beverages? Yes  
(in future years you will be required to provide proof of food to alcohol sales)

II. APPLICANT DATA: (individual filling out application for license):

Your Full Name: (First, Middle, Last): Robert Justin Klinger

Applicant Legal Address: 4418 S. River Estates

Date of Birth: 2/18/77 Social Security #: [REDACTED] US Citizen:  Yes  No

Applicant Email Address: RJ.Klinger@ndmail.com

Applicant Phone #: 701-388-3304 How long have you been a resident of ND? 35 years Have you ever been convicted of any violation, or any law, other than a traffic offense in the U.S.?  No  Yes, what crime?

What Court? \_\_\_\_\_

Have you ever been convicted of any violation of laws governing the manufacture, sale, consumption or possession of intoxicating beverages?  No  Yes If yes provide details: \_\_\_\_\_

Please list any current or previous liquor licenses held: TRV Liquors - DeLanoth, LP Higgins - Higgins Lakeside

Have you ever had a liquor license revoked or rejected by any municipality or state?  No  Yes

If yes, provide details: X

Will you be engaged in any other form of business besides the sale of liquor under the applied license?  No  Yes If yes provide details: X

List names, addresses and phone numbers of three business references (at least one bank), and state the extent of your business relations with each:

- Blackridge Bank - Marc Knutson - 701-306-1490
- DS Beverage - Beverage Distributor - Zach Bartels - 218-329-2045
- Tom Klein - Republic Liquor - 701-630-5040

III. RESIDENT MANAGER INFORMATION:

Name: Doug Gordon Date of Birth: 7/15/70

Address: 3070 14th St. West Fargo ND Phone #: 763-498-4900

List resident manager's previous employment for past five years:  
Mac's Hardware - VP of Operations

**IV. BUSINESS DATA:**

Name of Business (DBA): Hooligans  
Mailing Address of Licensed Establishment: 533 27th Ave West Fargo ND 58078 (Appt 12/15/18)  
Establishment Phone #: 701-373-0770  
Business Type: (Sole Proprietorship, Partnership, Corporation) S-Corp

Based on the business type above provide below the names, addresses and dates of birth of ALL individuals, partners, officers and directors. Include all persons with 1% or more interest in the business and indicate percentage of ownership: (add additional pages if necessary):

Robert Klinger - 4415 S. River Estates, West Fargo ND 58078, 2/18/77 - 100%  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

If Incorporated: Date of Charter: Oct 2015 State of Charter: ND

List any person (including name, address, date of birth and association with business), other than the applicants listed, with any right, title, estate or interest in the leasehold, furniture, fixtures or equipment in the premises for which the license is requested:

SBA + Blackridge Bank  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the business have any interest, directly or indirectly, with any other liquor establishment in any state? No  
If yes give names and addresses of the establishments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**V. ATTACH A DETAILED FLOOR-PLAN OF BUSINESS**  
(HAND DRAWN FLOOR PLANS WILL NOT BE ACCEPTED)

**VI. EMPLOYEE ROSTER LIST - SERVER TRAINING (SEE ATTACHED FORM)**  
For new establishments, you will be given 90 days from date of opening to submit a server training roster which will list servers with completed training, as well as a detailed plan for completion of training for those who have not. Employee server training must be kept current and is subject to periodic review.  
Information on sign-up and training is available online at Fargo Cass Public Health Department's Website:  
[www.fargocasspublichealth.com](http://www.fargocasspublichealth.com)

**VII. VALIDATION/SIGNATURES**

Do you agree not to permit the sale of alcohol on said premises to a minor, incompetent person, or a person who is inebriated or a habitual drunkard?  Yes  No

Do you understand that any license granted with this application will not be transferable except by specific authority of the governing body and will authorize the sale of products as applied for only at the place and premises designated in the application and said license?  Yes  No

Have you reviewed the Alcoholic Beverage Ordinances(s) of the City of West Fargo and are familiar with the conditions and requirements of these ordinances?  Yes  No

If granted an alcoholic beverage license, will you comply with the State of North Dakota Liquor Control Act and the City of West Fargo Alcoholic Beverage Ordinances, as well as any amendments to either of these, which may be made in the future?  Yes  No  
(copy of current ordinance provided with application)

Do you understand that approval of license application is contingent upon having completed successful inspections from the Police Department, Fire Department, Building Inspection Department and Cass County Health Department?

Do you certify that property owned in connection with this license does not have real and/or personal property taxes that are delinquent?  Yes  No

For leased/rented property, do you certify that all payments are current?  Yes  No

I(We) am (are) familiar with the information in this completed application, the answers and information contained herein are, to the best of my (our) knowledge true, complete and accurate

**All signatures must be notarized.**

**List owner(s) names (In case of a Corporation only President and Secretary are required):**

Name : \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Name : \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Name : \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Name : \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Before me personally appeared: (list names from above) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Subscribed and sworn before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
 (Signature of Notary Public)

My Commission expires: \_\_\_\_\_

Notary Public for \_\_\_\_\_, \_\_\_\_\_ 4

VIII. BACKGROUND CHECK AUTHORIZATION

To: \_\_\_\_\_  
(Please leave blank - for use of WF Police Department)

YOU ARE HEREBY AUTHORIZED to release to the bearer of this authorization, any and all information concerning my dealings as a customer of your institution. Said information is to be given in connection with the investigation by the West Fargo Police Department in relation to a liquor license request.

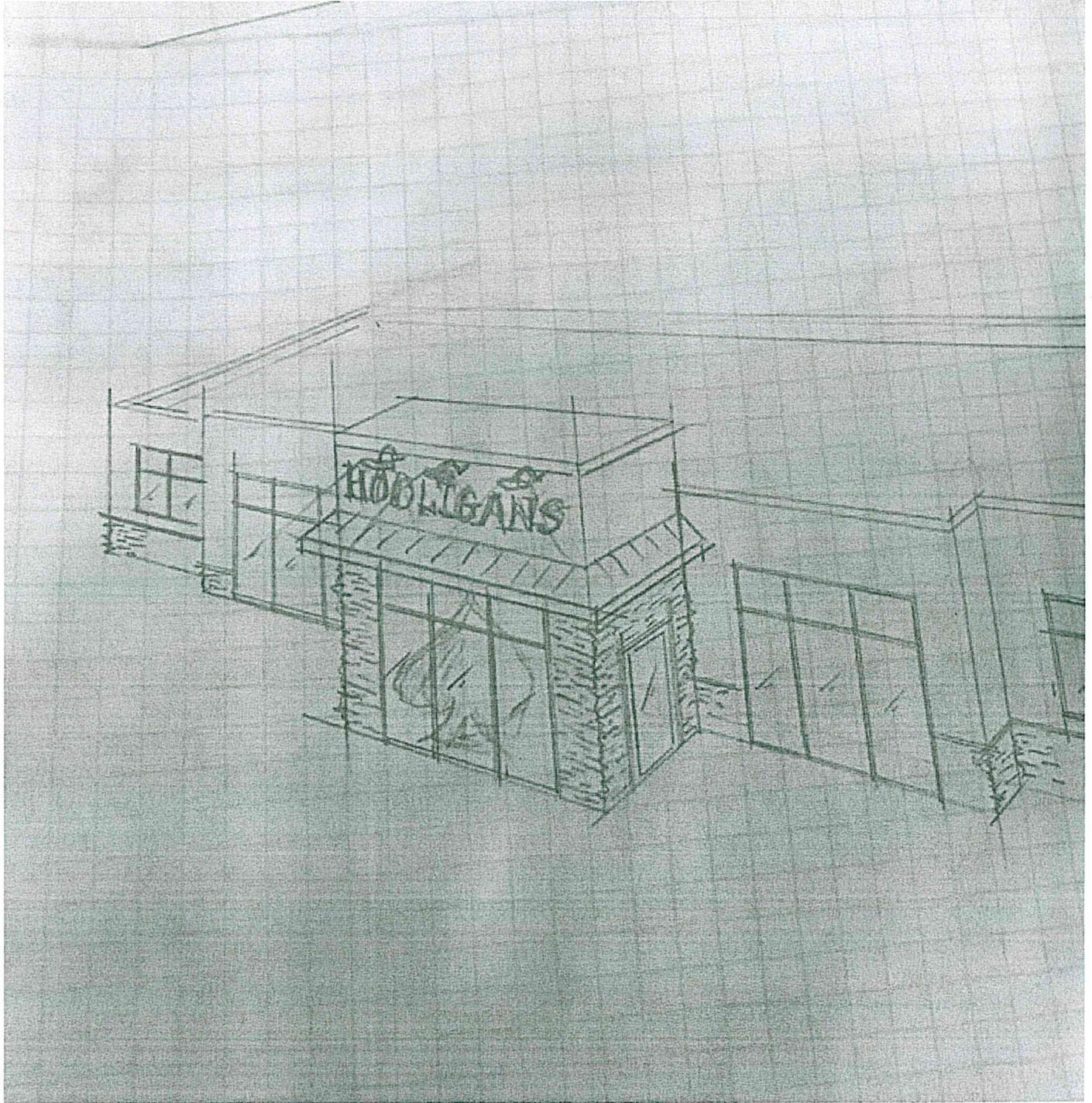
PRINTED NAME OF APPLICANT: Robert Klinge

By releasing this information to the West Fargo Police Department, I understand that my information may be subject to North Dakota open record laws.

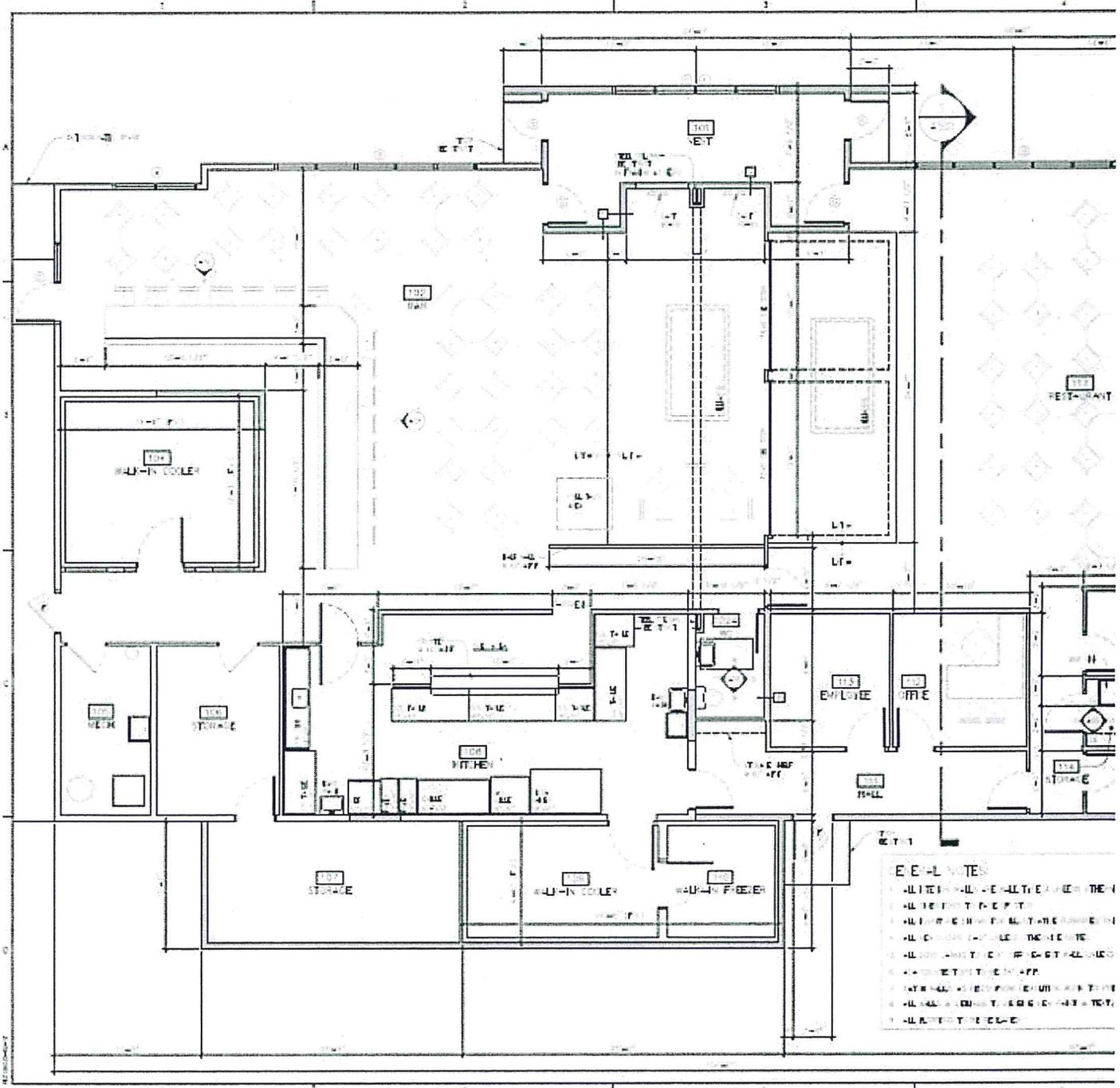
Signature of Applicant: Robert Klinge Date: 8/16/18

Please forward the records for the above investigation for a City liquor license to:

West Fargo Police Department  
ATTN: License Investigations  
800 4th Avenue East, Ste 2  
West Fargo, ND 58078  
Fax: 701-433-5508



**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



- GENERAL NOTES**
- 1. ALL ITEMS SHALL BE ALL THE WAY THROUGH THEM
  - 2. ALL ITEMS SHALL BE ALL THE WAY THROUGH THEM
  - 3. ALL ITEMS SHALL BE ALL THE WAY THROUGH THEM
  - 4. ALL ITEMS SHALL BE ALL THE WAY THROUGH THEM
  - 5. ALL ITEMS SHALL BE ALL THE WAY THROUGH THEM
  - 6. ALL ITEMS SHALL BE ALL THE WAY THROUGH THEM
  - 7. ALL ITEMS SHALL BE ALL THE WAY THROUGH THEM
  - 8. ALL ITEMS SHALL BE ALL THE WAY THROUGH THEM
  - 9. ALL ITEMS SHALL BE ALL THE WAY THROUGH THEM
  - 10. ALL ITEMS SHALL BE ALL THE WAY THROUGH THEM

AUG 16 2018

When completed please mail to: West Fargo City Hall  
800 4th AVE E STE 1  
West Fargo ND, 58078  
If you have any questions, please call: (701)433-5300



LIQUOR LICENSE APPLICATION - PRE-APPROVAL REVIEW (FORM A)

All licenses expire each year on June 30th. (New license fees will be prorated with the number of months remaining in a license year)

Requests for Liquor Licenses require an administrative review prior to consideration by the City Commission. Administrative fees are utilized to offset the cost of this process and are non-refundable. If your license request is granted, you will be asked to complete a Post Approval Liquor License form to calculate final license fees.

For period beginning November 1, 2018 and ending June 30, \_\_\_\_\_  
Business Name: Rainbow Point Fargo, LLLP  
DBA/Name: Mackenzie River Pub & Grille  
Business Address: 819 24th Avenue East, West Fargo 58078  
Phone #: 406-493-4631 Cell Phone: 406-493-4631 Email: lanceandshoni@hotmail.com

I. TYPE OF LICENSE(S) APPROVED:

(CIRCLE THE APPROPRIATE LICENSES AND CALCULATE TOTAL FEES)

Application Review Fees

Retail On and Off Premises Liquor	\$375
Retail On and Off Premises Beer/Wine	\$100
<u>Retail On Premises Liquor</u>	<u>\$275 ✓</u>
<u>Retail On Premises Beer/Wine</u>	<u>\$150 ✓</u>
Retail Off Premises Liquor	\$275
Retail Off Premises Beer/Wine	\$150
Retail Club/Lodge On Sale Liquor	\$250
Retail Club/Lodge On Sale Beer/Wine	\$38
Wholesale	\$250
Total Due	<u>\$425.00</u>

- \* If you are applying for a Club License, how many members do you have at this time? NO
- \* If you are applying for a On-Premises Liquor License and plan to serve food:  
Will you allow people under the age of 21 in your establishment? yes If yes, do you anticipate that the sale of food will exceed the sale of alcoholic beverages? yes  
(in future years you will be required to provide proof of food to alcohol sales)

CK# 2034 1  
\$425.00  
8/16/18

II. APPLICANT DATA: (individual filling out application for license):

Your Full Name: (First, Middle, Last): Lance M. Robinson  
Applicant Legal Address: 5840 Canyon River Road, Missoula, MT 59802  
Date of Birth: 5/11/1971 Social Security # [REDACTED] US Citizen:  Y or N  
Applicant Email Address: lanceandshoni@hotmail.com  
Applicant Phone #: (406) 493-4631 How long have you been a resident of ND? Never Have you ever been convicted of any violation, or any law, other than a traffic offense in the U.S.? No If yes, what crime?

What Court? N/A  
Have you ever been convicted of any violation of laws governing the manufacture, sale, consumption or possession of intoxicating beverages? NO If yes provide details: N/A

Please list any current or previous liquor licenses held: Montana Beer and Wine License No. 04-801-5279-301; Montana Beer and Wine License No. 04-801-5259-301; Montana All-Alcoholic Beverage License No. 15-860-3967-001  
Have you ever had a liquor license revoked or rejected by any municipality or state? No  
If yes, provide details: N/A

Will you be engaged in any other form of business besides the sale of liquor under the applied license? yes If yes provide details: Full Service Restaurant

List names, addresses and phone numbers of three business references (at least one bank), and state the extent of your business relations with each:

1. See attached
2. \_\_\_\_\_
3. \_\_\_\_\_

III. RESIDENT MANAGER INFORMATION:

Name: Jeff Bretherton Date of Birth: \_\_\_\_\_  
Address: 1046 Wildflower Lane W, West Fargo, ND 58078 Phone #: (406) 529-6609

List resident manager's previous employment for past five years:

Athletic Director Concordia College 2017-2018  
Director of Heart of the Rockies Initiative 2015-2017

IV. BUSINESS DATA:

Name of Business (DBA): Mackenzie River Pub & Grille

Mailing Address of Licensed Establishment: \_\_\_\_\_

Establishment Phone #: \_\_\_\_\_

Business Type: (Sole Proprietorship, Partnership, Corporation) Partnership

Based on the business type above provide below the **names, addresses and dates of birth of ALL individuals, partners, officers and directors**. Include all persons with 1% or more interest in the business and indicate percentage of ownership: (add additional pages if necessary):

See attached Schedule I listing Partners of Rainbow Point Fargo, LLLP. Also attached are flow charts for each partner entity.

If Incorporated: Date of Charter: N/A State of Charter: N/A

List any person (including name, address, date of birth and association with business), other than the applicants listed, with any right, title, estate or interest in the leasehold, furniture, fixtures or equipment in the premises for which the license is requested:

N/A

Does the business have any interest, directly or indirectly, with any other liquor establishment in any state? NO

If yes give names and addresses of the establishments: underlying individual owners do have ownership in licensed establishments in Montana, but Rainbow Point Fargo, LLLP does not.

V. ATTACH A DETAILED FLOOR-PLAN OF BUSINESS  
(HAND DRAWN FLOOR PLANS WILL NOT BE ACCEPTED)

VI. EMPLOYEE ROSTER LIST - SERVER TRAINING (SEE ATTACHED FORM)

For new establishments, you will be given 90 days from date of opening to submit a server training roster which will list servers with completed training, as well as a detailed plan for completion of training for those who have not . Employee server training must be kept current and is subject to periodic review.

Information on signup and training is available online at Fargo Cass Public Health Department's Website:  
[www.fargocasspublichealth.com](http://www.fargocasspublichealth.com)

VII. VALIDATION/SIGNATURES

Do you agree not to permit the sale of alcohol on said premises to a minor, incompetent person, or a person who is inebriated or a habitual drunkard?  Yes  No

Do you understand that any license granted with this application will not be transferable except by specific authority of the governing body and will authorize the sale of products as applied for only at the place and premises designated in the application and said license?  Yes  No

Have you reviewed the Alcoholic Beverage Ordinances(s) of the City of West Fargo and are familiar with the conditions and requirements of these ordinances?  Yes  No

If granted an alcoholic beverage license, will you comply with the State of North Dakota Liquor Control Act and the City of West Fargo Alcoholic Beverage Ordinances, as well as any amendments to either of these, which may be made in the future?  Yes  No  
(copy of current ordinance provided with application)

Do you understand that approval of license application is contingent upon having completed successful inspections from the Police Department, Fire Department, Building Inspection Department and Cass County Health Department? Yes

Do you certify that property owned in connection with this license does not have real and/or personal property taxes that are delinquent?  Yes  No

For leased/rented property, do you certify that all payments are current?  Yes  No

I(We) am (are) familiar with the information in this completed application, the answers and information contained herein are, to the best of my (our) knowledge true, complete and accurate

All signatures must be notarized.

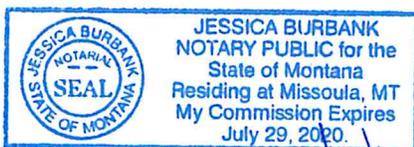
List owner(s) names (In case of a Corporation only President and Secretary are required):

Name: Lance M. Robinson  
Title: Member of Golden Dome Management Company, LLC  
Signature: [Signature]  
Date: 8-8-18  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Name: Shoni D. Robinson  
Title: Member of GoldenDome Management Company, LLC  
Signature: [Signature]  
Date: 8-8-18  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Before me personally appeared: (list names from above) Lance M. Robinson and Shoni D. Robinson

Subscribed and sworn before me on this 8<sup>th</sup> day of August, 2018



[Signature]  
(Signature of Notary Public)

My Commission expires: July 29, 2020

Notary Public for \_\_\_\_\_, \_\_\_\_\_ 4

VIII. BACKGROUND CHECK AUTHORIZATION

To: \_\_\_\_\_

(Please leave blank - for use of WF Police Department)

YOU ARE HEREBY AUTHORIZED to release to the bearer of this authorization, any and all information concerning my dealings as a customer of your institution. Said information is to be given in connection with the investigation by the West Fargo Police Department in relation to a liquor license request.

PRINTED NAME OF APPLICANT: Lance Robinson

By releasing this information to the West Fargo Police Department, I understand that my information may be subject to North Dakota open record laws.

Signature of Applicant:  Date: 8/8/18

Please forward the records for the above investigation for a City liquor license to:

West Fargo Police Department  
ATTN: License Investigations  
800 4th Avenue East, Ste 2  
West Fargo, ND 58078  
Fax: 701-433-5508

## Business References

1) Brad Ridgway, 284 Flathead Avenue, Whitefish, MT 59937; 406-862-5246. President of Glacier Restaurant Group. I have had a franchise under his company for 8 years.

2) Pat Kelling, 288 Expressway, Missoula, MT 59808; 406-360-7107. Pat is the Head of Equipment at Bargreen Ellingson. I have bought restaurant equipment from Pat for three MacKenzie River restaurants. I have known Pat for 8 years.

3) Jason Erickson, 3660 Mullan Road, Missoula, MT 59808; 406-258-1701. Vice President First Security Bank. Jason has been the lender on two other restaurant builds. I have known Jason for 4 years.

## Schedule 1

GENERAL PARTNERS			
Name and Address	Initial Capital Contribution	Contribution Percentage	Partnership Percentage
Golden Dome Management Company, LLC 5540 Canyon River Road Missoula, MT 59802	\$0.00	0%	25%
LIMITED PARTNERS			
Name and Address	Initial Capital Contribution	Contribution Percentage	Partnership Percentage
John Boyle 140 East Central Missoula, MT 59801	\$202,500.00 Cash	15%	11.25%
Oz Cap LLC 1665 Liberty Street SE Suite 100 Salem, OR 97302	\$202,500.00 Cash	15%	11.25%
Rowling-Robbins Investments LLC 775 Kelly Lane Missoula, MT 59804	\$202,500.00 Cash	15%	11.25%
John Richard Orizotti 928 Bandmann Trail Missoula, MT 59802	\$135,000.00 Cash	10%	7.5%
Reely Family Investments, LLC 3819 Stephens Avenue, Suite 201 Missoula, MT 59801	\$135,000.00 Cash	10%	7.5%
Ekegren Enterprises, LLC 31 1 <sup>st</sup> Street NW Choteau, MT 59422	\$135,000.00 Cash	10%	7.5%
Craig Ekegren, Trustee of the Craig A. Ekegren Revocable Living Trust 1028 Anglers Bend Way Missoula, MT 59802	\$67,500.00 Cash	5%	3.75%
Riley B. Hoyt 4145 Clarissa Lane South Salem, OR 97302	\$67,500.00 Cash	5%	3.75%
Windborne 401k Profit Sharing Plan fbo Mark C. Hoyt c/o Mark C. Hoyt, Trustee 693 Chemeketa Street NE Salem, OR 97301	\$67,500.00 Cash	5%	3.75%
Robinson Investments, LLC 815 E Second St. Butte, MT 59701	\$67,500.00 Cash	5%	3.75%
Starboard Properties, LLC 2825 Stockyard Road, Suite F-1 Missoula, MT 59808	\$67,500.00 Cash	5%	3.75%
<b>TOTAL</b>	<b>\$1,350,000.00 Cash</b>	<b>100.00%</b>	<b>100.00%</b>

## RAINBOW POINT FARGO, LLLP

Breakdown of percentage of Ownership for each individual

<b>Name</b>	<b>Address</b>	<b>Date of Birth</b>	<b>% of IndividualOwnership</b>
Lance M. Robinson	5540 Canyon River Road, Missoula, MT 59802	5/11/1971	12.5
Shoni D. Robinson	5540 Canyon River Road, Missoula, MT 59802	11/16/1968	12.5
John Boyle	140 East Central, Missoula, MT 59801	9/7/1952	11.25
Michael J. Orizotti	5954 Pikes Pass Street SE, Salem OR 97306	10/9/1976	3.75
Hong Zhuang	2170 Dalke Ridge Drive NW, Salem OR 97304	11/19/1971	3.75
Mark J. Burnham	3558 Gandon Lane S., Salem OR 97302	8/23/1962	3.75
Kristen J. Robbins	775 Kelly Lane, Missoula, MT 59804	2/21/1974	11.25
John Richard Orizotti	928 Danmann Trail, Missoula MT 59802	6/17/1955	7.5
Shane N. Reely	689 Spanish Peaks Drive, Missoula MT 59803	9/12/1966	3.75
Denise M. Reely	689 Spanish Peaks Drive, Missoula,MT 59803	2/22/1965	3.75
Chad Ekegren	P.O. Box 864, Choteau, MT 59422	7/4/1984	3.75
Jenna Ekegren	P.O. Box 864, Choteau, MT 59422	6/29/1987	3.75
Craig A. Ekegren	1028 Anglers Bend Way, Missoula MT 59802	12/23/1958	3.75
Riley B. Hoyt	4145 Clarissa Lane South, Salem OR 97302	8/25/1995	3.75
Mark C. Hoyt	4145 Clarissa Lane South, Salem OR 97302	12/31/1965	3.75
William J. Robinson	815 East Second Street, Butte MT 59701	3/10/1964	0.93
Jadeen M. Robinson	200 Aspen Loop, Butte MT 59701	1/21/1943	0.93
Mari L. Proffitt	Rr 3 Box 3561, Piedmont MO 63957	2/25/1965	0.93
D. Ladd Lincoln	2825 Stockyard Road Suite F-1, Missoula MT 59808	2/8/1965	3.75

**GOLDEN DOME MANAGEMENT  
COMPANY, LLC**

LANCE ROBINSON  
50% Member

SHONI ROBINSON  
50% Member

# OZ CAP, LLC

GAPCAP, LLC  
50% Membership

MICHAEL ORIZOTTI  
25% Membership

HONG ZHUANG  
25% Membership

MARK BURNHAM  
100% of GAPCAP, LLC

ROWLING-ROBBINS  
INVESTMENTS, LLC

KRISTEN J. ROBBINS

100%

REELY FAMILY INVESTMENTS,  
LLC

SHANE REELY  
50% Member

DENISE REELY  
50% Member

# EKEGREN ENTERPRISES, LLC

CHAD EKEGREN

50% Member

JENA EKEGREN

50% Member

# ROBINSON INVESTMENTS, LLC

William Robinson  
25%

Jadean Robinson  
25%

Lance Robinson  
25%

Mari Profit  
25%

STARBOARD PROPERTIES, LLC

LADD LINCOLN

100%

STARBOARD PROPERTIES, LLC

D. LADD LINCOLN

100%







**FOREIGN LIMITED PARTNERSHIP / FOREIGN LIMITED LIABILITY LIMITED PARTNERSHIP**  
**CERTIFICATE OF AUTHORITY APPLICATION**  
 SECRETARY OF STATE  
 SFN 07938 (01-2016)

**RECEIVED**  
 JUN 29 2017  
 SEC. OF STATE

For Office Use Only  
 ID Number: 43,531,900 PLLP  
 WO Number: 1541485  
 Filled: 7/14/2017 By: BSR

SEE INSTRUCTIONS FOR FEE, FILING AND MAILING INFORMATION

1A. The application **MUST** be accompanied by **ALL** of the following:

- Filing fee of \$110
- Current certificate verifying the identity, existence, and status of a foreign limited partnership or foreign limited liability limited partnership certified by the government officer of the state or country under the laws of which it is organized

1B. The following **MAY** be required:

- Signed Consent to Use Business Name and fee of \$10
- Fictitious Name Certificate and fee of \$25
- Fees and registrations to register general partners (see Instruction #12)

TYPE OR PRINT LEGIBLY

For reference, see North Dakota Century Code, Sections 45-10.2-79 and 45-23-07.

2. This application applies to: (check one)			
<input type="checkbox"/> Limited Partnership		<input checked="" type="checkbox"/> Limited Liability Limited Partnership	
3. Name of limited partnership or limited liability limited partnership EXACTLY as it appears on the certificate from the state of origin Rainbow Point Fargo, LLLP		4. Federal ID Number 82-1535953	
5. If applicable, provide the fictitious name and complete the Partnership Fictitious Name Certificate form if the selected fictitious name is not already registered in North Dakota. <u>Only provide the fictitious name in this line if:</u>			
a) The limited partnership or foreign limited liability limited partnership name is not in the form as required of limited partnerships or foreign limited liability limited partnerships in North Dakota. b) The Secretary of State has notified the limited partnership or foreign limited liability limited partnership that its name is the same as or deceptively similar to a name already registered, and the limited partnership or limited liability limited partnership is unable to obtain consent to use business name from the previous filer or a certified copy of a final decree of a court of competent jurisdiction establishing prior right of this limited partnership or limited liability limited partnership to use of the name in North Dakota. c) The limited partnership or foreign limited liability limited partnership does not wish to use or protect its name in North Dakota and chooses to use a name other than its limited partnership or foreign limited liability limited partnership name.			
6. State or Country of Origin Montana		7. Telephone Number (406) 493-4631	8. Toll-Free Telephone Number
9. Nature of business or activities the limited partnership or limited liability limited partnership intends to conduct in North Dakota Restaurant Operations			
10A. Name of <u>commercial</u> registered agent in <u>North Dakota</u>		OR 10B. Name of <u>noncommercial</u> registered agent in <u>North Dakota</u> Brent Kuehne	
10C. Address of <u>noncommercial</u> registered agent in North Dakota (Street/RR, PO Box, City, State, ZIP+4) Street address <b>MUST</b> be provided; may not be only a post office box. 1711 Gold Drive, Suite 100, Fargo, ND, 58103			
11. Complete address of principal executive office (Street/RR, PO Box, City, State, ZIP+4) Street address <b>MUST</b> be provided; may not be only a post office box. 5540 Canyon River Road, Missoula, MT 59802			
12. General partners, their social security/federal ID numbers, and the addressee of their principal places of business (attach additional sheet, if necessary)			
Name		Social Security/ Federal ID Number	COMPLETE MAILING ADDRESS Street/Rural Route Post Office Box City State ZIP+4
Golden Dome Management Company, LLC		46-5757048	5540 Canyon River Road, Missoula, MT 59802
13. "I, the undersigned, a general partner of the limited partnership or limited liability limited partnership authorized to sign this application, have read the foregoing application, know the contents thereof, and believe the statements made thereon to be true. I further authorize the Secretary of State to correct numbers 3, 6, 10A, 10B, and 10C if not correctly reflected."			
Signature <i>Lance Robinson</i>		Date 6/27/17	
14. Name of Person to Contact About This Document Lance Robinson		Email Address lanceandshon@hotmail.com	Daytime Telephone Number (406) 493-4631



**CERTIFICATE OF AUTHORITY APPLICATION**  
**FOREIGN LIMITED LIABILITY COMPANY RECEIVED**  
 SECRETARY OF STATE  
 SFN 10381 (09-2015)

JUN 29 2017

For Office Use Only

ID Number:	43,531,800FLC
WO Number:	1541484
Filed:	7/14/2017
By:	BSP

SEE INSTRUCTIONS FOR FEE, FILING AND MAILING INFORMATION SEC. OF STATE

TYPE OR PRINT LEGIBLY For reference, see North Dakota Century Code, Sections 10-31-01, 10-31-13.1 and 10-32.1-75

1. The application is accompanied by the following:	
<input checked="" type="checkbox"/> *Filing fee of \$135	<input type="checkbox"/> Certificate of professional license
<input checked="" type="checkbox"/> *Current CERTIFICATE OF GOOD STANDING or CERTIFICATE OF EXISTENCE duly authenticated by the organizing officer of the state or country of organization	<input type="checkbox"/> Signed Consent to Use Business Name and fee of \$10
	<input type="checkbox"/> Trade Name Registration and fee of \$25
2. Type of limited liability company applying for certificate of authority (check one)	
<input checked="" type="checkbox"/> Foreign Business	<input type="checkbox"/> Foreign Professional
3. Federal ID Number 46-5757048	
4. Name of limited liability company EXACTLY as it appears on Certificate of Good Standing from state or country of origin Golden Dome Management Company, LLC	
5. If applicable, provide the trade name and complete the Trade Name Registration form if selected trade name is not already registered in North Dakota. Only provide the trade name in this line if:	
a) The "new" limited liability company name is not in the form as required of limited liability companies in North Dakota. b) The Secretary of State has notified the limited liability company that its "new" name is the same or deceptively similar to a name already registered, and the limited liability company is unable to obtain Consent to Use Business Name from the previous filer or a certified copy of a final decree of a court of competent jurisdiction establishing prior right of this limited liability company to use of the name in North Dakota. c) The limited liability company does not wish to use or protect its "new" name in North Dakota and chooses to use a name other than its limited liability company name.	
6. Complete address of principal executive office (Street/RR, PO Box, City, State, ZIP+4) Street address <u>MUST</u> be provided; may not be only a post office box. 5540 Canyon River Road, Missoula, MT 59802	
7. State or Country Where Organized Montana	8. Limited liability company will expire in state or country of origin (check one) <input checked="" type="checkbox"/> Perpetual <input type="checkbox"/> Expires - Specify date: _____
9. Telephone Number (406) 493-4631	10. Toll Free Telephone Number
11A. Name of <u>commercial</u> registered agent in North Dakota	OR 11B. Name of <u>noncommercial</u> registered agent in North Dakota Brent Kuehne
11C. Address of <u>noncommercial</u> registered agent in North Dakota (Street/RR, PO Box, City, State, ZIP+4) Street address <u>MUST</u> be provided; may not be only a post office box. 1711 Gold Drive, Suite 100, Fargo, ND 58103	
12. Nature of business or activities the limited liability company conducts or intends to conduct in North Dakota General Partner of Rainbow Point Fargo LLLP which will operate a Restaurant	
13. Managers and governors of the limited liability company (attach additional sheet, if necessary)	
MANAGERS	Manager also serves as Governor
	COMPLETE MAILING ADDRESS
	Street/Rural Route Post Office Box City State ZIP+4
	<input type="checkbox"/>
Managing Member Lance M. Robinson	5540 Canyon River Road Missoula MT 59802
Managing Member Shoni D. Robinson	5540 Canyon River Road Missoula MT 59802
14. "The undersigned has read the foregoing application, knows the contents, and believes the statements to be true. I further authorize the Secretary of State to correct numbers 4, 7, 11A, 11B, and 11C if not correctly reflected. I understand that if I make a false statement in this document, I may be subject to criminal penalties."	
Signature 	Date 6/21/17
15. Name of Person to Contact About This Document Lance Robinson	Email Address lanceandshoni@hotmail.com
	Daytime Telephone Number (406) 493-4631

# *State of North Dakota*

## SECRETARY OF STATE



### CERTIFICATE OF AUTHORITY OF

GOLDEN DOME MANAGEMENT COMPANY, LLC  
Secretary of State ID#: 43,531,800

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that an application of

GOLDEN DOME MANAGEMENT COMPANY, LLC

for a Certificate of Authority to transact business in this State, duly signed and executed as required by North Dakota statutes governing a FOREIGN LIMITED LIABILITY COMPANY, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Authority to

GOLDEN DOME MANAGEMENT COMPANY, LLC

to transact business in this State under the name of

GOLDEN DOME MANAGEMENT COMPANY, LLC

Issued: July 14, 2017

Alvin A. Jaeger  
Secretary of State

AGENDA ITEM DESCRIPTION  
CITY COMMISSION  
WEST FARGO, NORTH DAKOTA

Agenda # 3

\*\*\*Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Tim Solberg
  
2. PHONE NUMBER: 433-5320                      DATE: September 12,  
2018
  
3. PLEASE **BRIEFLY** DESCRIBE YOUR REQUEST:  
Southdale 2<sup>nd</sup> Addition, Replat and Rezoning from R-2: Multiple Dwellings to PUD:  
Planned Unit Development.  

---
  
4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):  
Block 2 & 3 of Southdale Addition, City of West Fargo, North Dakota  

---
  
5. ACTION BEING REQUESTED FROM CITY COMMISSION:  
Hold First Reading and Public Hearing on the Rezoning at 5:30 pm on September  
17, 2018.  

---

CITY OF WEST FARGO PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

A18-36		REPLAT AND REZONING	
Southdale 2 <sup>nd</sup> Addition			
Block 2 and Block 3 of Southdale Addition, City of West Fargo, North Dakota			
Owner/Applicant: Cass County Housing Authority		Staff Contact: Tim Solberg, AICP	
Planning & Zoning Commission Introduction:		08-14-2018	
Public Hearing:		08-14-2018 – Approval of Concept Plans	
Detailed Development Plans:		09-11-2018 - Approval	
City Commission Introduction:		08-20-2018	
Public Hearing & 1 <sup>st</sup> Reading:		09-17-2018	
2 <sup>nd</sup> Reading and Final Plat Approval:			

**PURPOSE:**

Replat to redevelop site with a mix of multiple family dwellings and offices associated with the Cass County Housing Authority.

**STATEMENTS OF FACT:**

Land Use Classification:	G-4A Core Retrofit Growth Area
Existing Land Use:	Medium Density Multiple Dwelling units
Current Zoning District(s):	R-2: Limited Multiple Dwelling
Zoning Overlay District(s):	CO-R: Redevelopment Corridor Overlay
Proposed Zoning District(s):	PUD: Planned Unit Development
Proposed Lot size(s) or range:	168,556 ft <sup>2</sup> and 168,567 ft <sup>2</sup>
Total area size:	7.74 Acres
Adjacent Zoning Districts:	North – R-3: Multiple Dwellings; West – R-1A: Single Family Dwellings; South & East – R-2: Limited Multiple Dwellings
Adjacent street(s):	8th Avenue West (Local); 9 <sup>th</sup> Avenue West (Local to be vacated); 9 ½ Avenue West (Local); Sheyenne Street (Arterial)
Adjacent Bike/Pedestrian Facilities:	Adjacent Sidewalks
Available Parks/Trail Facilities:	South Elementary, Herb Tintes Park, and Veteran’s Memorial Pool within ¼ mile.
Park Dedication Requirements:	The area is developed.

**DISCUSSION AND OBSERVATIONS:**

- The applicant has submitted an application, preliminary plat, site plan and area plan.
- The property was developed with mix of multiple family dwellings as part of the Cass County Housing authority.
- The plat is providing two lots and is proposing to vacate 9<sup>th</sup> Avenue West to accommodate private internal drives and public easements for sanitary, water, and storm improvements associated with the redevelopment of this site. There is potential for regional storm water benefits to which the City Engineer is considering and will provide future comments.

STAFF REPORT

- The development currently serves an important need in the community of affordable housing. Presentations before the City’s Economic Development Advisory Committee have occurred and staff has requested additional comment from the Community Development Director regarding the need for additional affordable housing opportunities in West Fargo and the region.
- The applicant proposes rezoning the property to Planned Unit Development (PUD), which would allow for offices and other uses associated with the housing authority, such as a childcare facility.
- Lot 1 is proposed to be developed with two, four-story, 40 & 44-unit senior living housing structures which would be accessed off 8th Avenue West and Sheyenne Street as part of Phase 1 & 2. This also includes HACC offices. A potential daycare structure is also shown on this lot.
- Lot 2 is proposed as approximately 45 units within both townhome style and “big house” residential structures as Phase 3.

**NOTICES:**

Sent to:	Property owners within 150’ and applicable agencies and departments. The applicant also held a neighborhood meeting on August 6, 2018 at the West Fargo High Rise Community Room with just one person attending. No comments were made at that meeting, just interest in what is happening.
----------	--

Comments Received:

- None received by staff to date.

**CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:**

- This project invests in older neighborhoods, supports the growing senior population, improves the neighborhood design, and is consistent with goals of the Comprehensive Plan’s Action Plan Big Idea to “Strengthen Neighborhoods and Expand Housing Choice”.
- Redevelopment and reinvestment in the site to align with the “Core-Retrofit Growth Sector” will positively impact the City’s downtown core area while maintaining affordable housing options for our residents.
- The applicant has partnered with urban designers who have included City staff in their design process to achieve consistency with the City’s Downtown Framework Study, Sheyenne Street Corridor Study, and design elements found in West Fargo 2.0.

**RECOMMENDATIONS:**

It is recommended that the City approve the proposed application in concept on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Due to the proposed zone change in both density and building type, additional comment should be sought from the Community Development Director regarding the need for increased affordable housing in the City.
2. Detailed Development Plans will be subject, but not limited to 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.

STAFF REPORT

**PLANNING AND ZONING RECOMMENDATION:**

At their August 14, 2018 meeting, the Planning and Zoning Commission approved the Concept subject to the two conditions listed above.

**DETAILED DEVELOPMENT PLANS:**

The applicant has provided an updated plat, site plan, floor plans, and building elevations for the proposed Lot 1, Block 1 of Southdale 2<sup>nd</sup> Addition. The proposal includes one 4-story building on the west side of the property that is made up of 39 indoor parking stalls with office and support space for the Cass County Housing Authority on the 1<sup>st</sup> floor, 15 residential units and additional supportive space on the 2<sup>nd</sup> floor, 15 residential units with community and recreational rooms on the 3<sup>rd</sup> floor, and 15 residential units on the 4<sup>th</sup> floor for a total of 45 residential units. The east side of the lot contains a 3-story building with 47 indoor parking stalls on the 1<sup>st</sup> floor, 20 residential units on the 2<sup>nd</sup> floor, and 19 residential units and community space on the 3<sup>rd</sup> floor for a total of 39 residential units. The two buildings are connected by skyway on their 3<sup>rd</sup> floors.

The property is within the CO-R: Redevelopment overlay district. Increased building construction standards apply to properties zoned light commercial and industrial, but not for those zoned as residential. The proposed building however is proposed to be faced with a mix of glass, brick, and a mix of fiber cement panels. One resident commented that they felt the side facing Sheyenne Street appeared to be the back side from the elevations that were provided.

There are an additional 19 parking spots on the site providing for a total of 105 parking spaces. Using the requirements for multiple family dwellings in section 4-450 (off-street parking regulations), the project would be required to provide 168 parking spaces. The nature of the project results in a lesser demand of parking. The applicant has suggested that based on the existing development the parking demand is at approximately 1.25 spaces per unit. At that rate they would be required to provide for 105 spaces. The applicant is also seeking to continue providing parking in parallel spaces along Sheyenne Street and potentially adding diagonal spaces in the side streets adjacent to the development to provide for overflow.

The City may as part of the PUD approval allow for a reduction in parking if it can be justified. Justification is typically requested by the applicant and staff consults the latest available methods for determining parking demand from the Institute of Traffic Engineers (ITE) Parking Generation Manual. In that manual, low/mid-rise apartment parking demand ranged from 1.23 to 1.03 spaces per dwelling unit. In the Senior Adult Housing category, the average parking demand was .59 vehicles per dwelling unit. Staff would confirm by analyzing the ITE Parking Generation Manual that a reduction in parking may be justified, and is further encouraged that additional overflow by providing on-street parking is being pursued. Further, there is additional land within the project limits that parking could be developed should parking become a problem in the future.

The Community Development Director has provided a letter in response to the previous request which discusses the history, project background and need of affordable housing in the community.

The applicant has provided a project schedule which is attached showing a potential of three phases for the project. These detailed development plans apply only to Phase 1 and 2. Phase 3 as expressed on the schedule would require future review by the City.

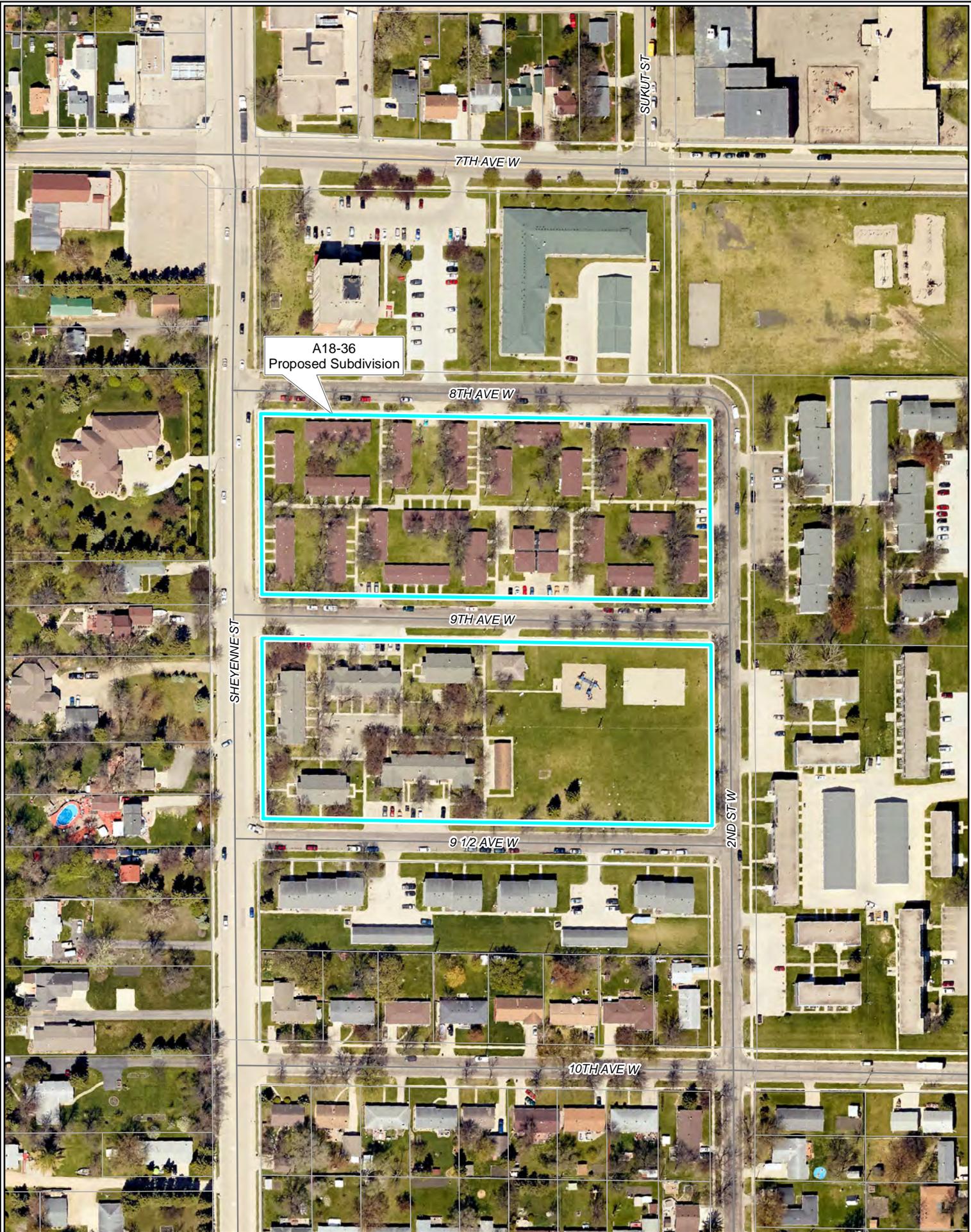
STAFF REPORT

It is recommended that the City approve the proposed application on the basis that it may be considered consistent with City plans and ordinances with following recommended conditions of approval:

1. A reduction in parking be approved and a condition be included in the PUD Agreement that should parking become a problem in the future that the City may require additional parking.
2. Vacation of 9<sup>th</sup> Avenue West within the plat is approved.
3. Development will be subject, but not limited to CO-R: Redevelopment Corridor Overlay, 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
4. A signed Subdivision Improvement and Planned Unit Development Agreement is received.
5. An updated drainage plan is approved by the City Engineer.
6. An Attorney Title Opinion to the City of West Fargo is received.
7. Signed Final Plat is received with any necessary easements.
8. A certificate is received showing taxes are current.

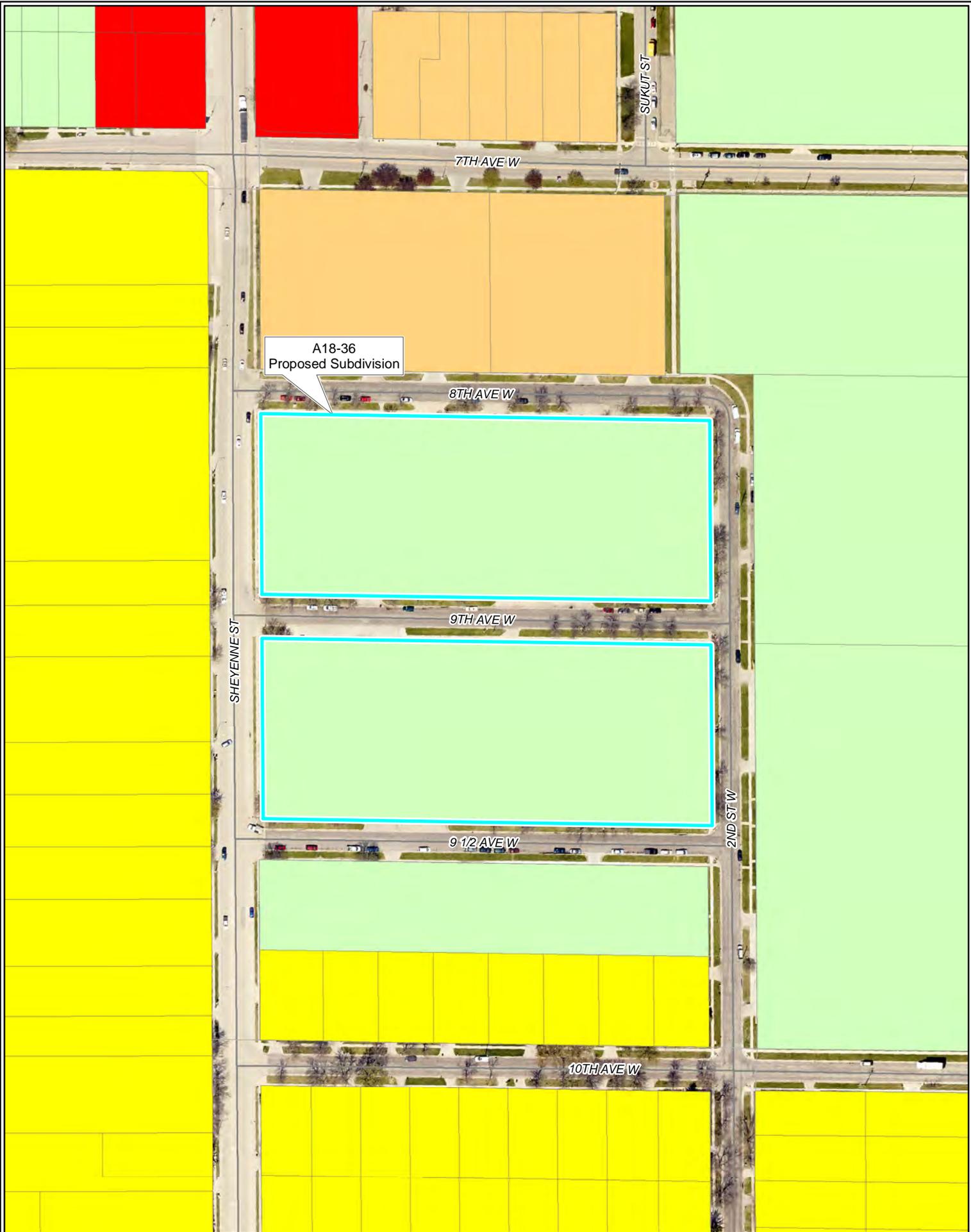
**PLANNING AND ZONING RECOMMENDATION:**

At their September 11, 2018 meeting, the Planning and Zoning Commission recommended approval of the replat, subject to the eight conditions listed above.



A18-36  
Proposed Subdivision





A18-36  
Proposed Subdivision

7TH AVE W

8TH AVE W

9TH AVE W

9 1/2 AVE W

10TH AVE W

SUKUT ST

SHEYENNE ST

2ND ST W



- |                                  |                                 |   |  |                                    |
|----------------------------------|---------------------------------|---|--|------------------------------------|
| A: Agricultural                  | HC: Heavy Commercial            | P-PUD: PUD in Public                    | R-1SM: Mixed One and Two Family Dwelling | R-5: Manufactured Home Subdivision |
| C: Light Commercial              | LI: Light Industrial            | R-L1A: Large Lot Single Family Dwelling | R-2: Limited Multiple Dwelling           | R-1E: Rural Estate                 |
| C-PUD: PUD in General Commercial | CM-PUD: PUD in Light Industrial | R-1A: Single Family Dwelling            | R-3: Multiple Dwelling                   | R-R: Rural Residential             |
| C-OP: Commercial Office Park     | M: Heavy Industrial             | R-1: One and Two Family Dwelling        | R-4: Mobile Home                         | R-PUD: PUD in Residential          |
| C-OP-PUD: PUD in Office Park     | P: Public                       |   |  |                                    |



Detailed Development Plans submitted by  
**Housing Authority of Cass County & Beyond Shelter**  
 for the  
**Sheyenne Street Senior Housing Redevelopment**  
 West Fargo, ND



REVISIONS:

NO.	DATE	DESCRIPTION

COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

I HERBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

SIGNATURE: \_\_\_\_\_  
 REGISTRATION NAME: \_\_\_\_\_  
 REGISTRATION NUMBER: \_\_\_\_\_

PROJECT NUMBER: 1829  
 SCALE: AS NOTED  
 DATE: AUGUST 2018  
 DRAWN: ALP

**TITLE SHEET**

**PLAT OF**  
**SOUTHDALE SECOND ADDITION**  
**TO THE CITY OF WEST FARGO, A REPLAT OF BLOCK 2 AND BLOCK 3**  
**AND A VACATION OF 9TH AVENUE WEST, SOUTHDALE ADDITION**  
**TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA.**



**CERTIFICATE**

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "SOUTHDALE SECOND ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF ALL OF BLOCK 2 AND BLOCK 3 AND A VACATION OF 9TH AVENUE WEST, SOUTHDALE ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

ALL BLOCK 2 AND BLOCK 3 AND A VACATION OF 9TH AVENUE WEST, SOUTHDALE ADDITION TO THE CITY OF WEST FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 7.74 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

STEVEN W. HOLM  
 REGISTERED LAND SURVEYOR  
 REG. NO. LS-6571

STATE OF NORTH DAKOTA )  
 COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**DEDICATION**

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "SOUTHDALE SECOND ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF ALL OF BLOCK 2 AND BLOCK 3 AND A VACATION OF 9TH AVENUE WEST, SOUTHDALE ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS, AVENUES, DRIVES, LANES, UTILITY, POND ACCESS AND STORM WATER STORAGE EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: WEST FARGO HOUSING AUTHORITY

BY: \_\_\_\_\_  
 ITS: \_\_\_\_\_

STATE OF NORTH DAKOTA )  
 COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF WEST FARGO HOUSING AUTHORITY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**WEST FARGO PLANNING COMMISSION APPROVAL**

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

TOM MCDUGALL, CHAIRMAN

STATE OF NORTH DAKOTA )  
 COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM MCDUGALL, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**WEST FARGO CITY COMMISSION APPROVAL**

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BERNIE L. DARDIS, PRESIDENT OF  
 THE WEST FARGO CITY COMMISSION

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA )  
 COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND TINA FISK, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**CITY ENGINEER'S APPROVAL**

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA )  
 COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DUSTIN T. SCOTT, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**WEST FARGO CITY ATTORNEY APPROVAL**

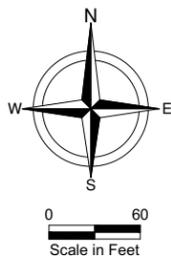
I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA )  
 COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, CITY ATTORNEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571



FILE LOCATION: R:\CIM\3D Project\1820401\DRAWINGS\DESIGN\20401-COVER.dwg

**PROJECT SUMMARY NOTES**

PROJECT ADDRESS: 205 6TH AVENUE WEST  
LEGAL DESCRIPTION: LOT 1, BLOCK 1 OF SOUTHDALE SECOND ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA  
AREA: 150,289.8 S.F. (3.45 ACRES)  
ZONING: "CO-R" DISTRICT - REDEVELOPMENT CORRIDOR OVERLAY DISTRICT  
PUD - PLANNED UNIT DEVELOPMENT (BASED ON "R-2" DISTRICT - LIMITED MULTIPLE DWELLING)  
EXISTING USE OF PROPERTY: LIMITED MULTIPLE DWELLING DEVELOPMENT  
PROPOSED USE OF PROPERTY: PLANNED UNIT DEVELOPMENT

DEVELOPER: LISA ROTVOLD  
BEYOND SHELTER, INC.  
3320 WESTRAC DRIVE SOUTH, SUITE G  
PO BOX 310 FARGO, ND 58107  
LROTVOLD@BEYONDSHELTERINC.COM  
(701) 551-0484  
ARCHITECTURAL PLANS BY: ROBERT A. AMES, AIA, LEED AP  
FOSS ARCHITECTURE + INTERIORS  
810 1ST AVENUE NORTH  
FARGO, ND 58102  
RAMES@FOSSARCH.COM  
(701) 478-4460

ENGINEER: BRANDON M. BUCHOLZ, PE  
MOORE ENGINEERING, INC.  
925 10TH AVENUE EAST  
WEST FARGO, ND 58078  
BBUCHOLZ@MOOREENGINEERINGINC.COM  
(701) 282-4692

**BASE ZONING DISTRICT REQUIREMENTS**

FRONT YARD: MINIMUM: 25 FEET  
PROVIDED: FEET ( )

REAR YARD: MINIMUM: 30 FEET  
PROVIDED: FEET ( )

SIDE YARD: MINIMUM: 12 FEET  
PROVIDED: FEET ( )

LOT COVERAGE: MAXIMUM: 40% (60,115.92 S.F.)  
EXISTING: 28.7% (43,173.01 S.F.)  
PROVIDED: 27.6% (41,467.61 S.F.)

MINIMUM GREEN AREA: MAXIMUM: 25% (37,572.42 S.F.)  
EXISTING: 59.4% (89,310.80 S.F.)  
PROVIDED: 51.9% (78,068.40 S.F.)

**CORRIDOR OVERLAY DISTRICT REQUIREMENTS**

FRONT YARD: MINIMUM: 40 FEET (ABUTTING DESIGNATED STREET)  
PROVIDED: FEET ( )

SIDE YARD: MINIMUM: MAINTAIN SIDE YARD REQUIRED IN THE UNDERLYING RESIDENTIAL DISTRICT  
PROVIDED: FEET ( )

REAR YARD: MINIMUM: MAINTAIN SIDE YARD REQUIRED IN THE UNDERLYING RESIDENTIAL DISTRICT  
PROVIDED: FEET ( )

LOT COVERAGE: MAXIMUM: % (SAME AS IN THE UNDERLYING DISTRICT)  
EXISTING: % ( S.F.)  
PROVIDED: % ( S.F.)

OPEN SPACE LANDSCAPING OF LOT AREA: MINIMUM: ALL YARD AREAS NOT COVERED BY BUILDINGS, SIDEWALKS, OR PAVED PARKING AREAS SHALL BE LANDSCAPED WITH GRASS, TREES, AND OTHER LANDSCAPING AS APPROVED BY THE CITY.  
EXISTING: % ( S.F.)  
PROVIDED: % ( S.F.)

LANDSCAPED OPEN SPACE TO SEPARATE PARKING AREAS OR ACCESS DRIVES AND FRONT LOT LINES: MINIMUM: 0 FEET  
EXISTING: FEET ( )  
PROVIDED: FEET ( )

LANDSCAPED OPEN SPACE TO SEPARATE PARKING AREAS FROM SIDE AND REAR LOT LINES: MINIMUM: 5 FEET  
EXISTING: FEET ( )  
PROVIDED: FEET ( )

LANDSCAPED OPEN SPACE TO SEPARATE PARKING AREAS AND BUILDING SETBACK LINES: MINIMUM: 5 FEET  
EXISTING: FEET ( )  
PROVIDED: FEET ( )

LANDSCAPED OPEN SPACE TO SEPARATE ACCESS DRIVEWAYS AND SIDE OR REAR LOT LINES: MINIMUM: 3 FEET  
EXISTING: FEET ( )  
PROVIDED: FEET ( )

**OFF-STREET PARKING AND LOADING REQUIREMENTS**

OFF-STREET PARKING: MINIMUM: PER PUD  
PROVIDED: 105 SPACES (105 SPACES IN SURFACE PARKING LOT, 39 SPACES IN PHASE 1 BUILDING'S COVERED PARKING GARAGE, AND 47 SPACES IN PHASE 2 BUILDING'S COVERED PARKING GARAGE)  
TOTAL: SPACES

PARKING FOR PERSONS WITH DISABILITIES: MINIMUM: 5 SPACES (1 VAN ACCESSIBLE SPACE AND 4 ACCESSIBLE SPACES FOR LOT WITH 101-150 TOTAL SPACES)  
PROVIDED: 13 SPACES (1 VAN ACCESSIBLE SPACE IN SURFACE PARKING LOT, 8 VAN ACCESSIBLE SPACES IN PHASE 1 BUILDING'S COVERED PARKING GARAGE, AND 4 SPACES IN PHASE 2 BUILDING'S COVERED PARKING GARAGE)  
TOTAL: SPACES

OFF-STREET LOADING: MINIMUM: N/A (RESIDENTIAL USE)

**LANDSCAPING REQUIREMENTS**

SITE LANDSCAPING: MINIMUM: 602 PLANT UNITS (4 PLANT UNITS FOR EVERY 1,000 S.F. OF LOT; 150,289.8 S.F. x 4 PLANT UNITS / 1,000 S.F. = 601.16, SO 602 PLANT UNITS)  
EXISTING: PLANT UNITS ( )  
PROVIDED: PLANT UNITS  
PLANT UNITS IN SMALL, MATURE DECIDUOUS TREES ( ) %  
PLANT UNITS IN LARGE, MATURE DECIDUOUS TREES ( ) %  
PLANT UNITS IN SMALL, MATURE EVERGREEN TREES ( ) %  
PLANT UNITS IN LARGE, MATURE EVERGREEN TREES ( ) %  
PLANT UNITS IN MATURE SHRUBS ( ) %  
TOTAL: PLANT UNITS

BOULEVARD TREES: MINIMUM: 37 TREES (1 TREE PER 30 FT OF LOT FRONTAGE; 1,103.06 FT ALONG SHEYENNE STREET, 8TH AVENUE WEST, AND 2ND STREET WEST x 1 TREE/30 FT FRONTAGE = 36.77, SO 37 TREES)  
EXISTING: 16 TREES ( )  
PROVIDED: TREES ( )  
TOTAL: TREES

BUFFER YARD PLANTINGS: PROVIDED: TYPE B (ADJACENT TO " " DISTRICT - )  
TYPE C (ADJACENT TO " " DISTRICT - )

**STORM WATER RETENTION REQUIREMENTS**

STORM WATER RETENTION: REQUIRED: PHASES 1 & 2: 3.45 ACRES @ 48.1% IMPERVIOUS = 17,289 C.F.  
FUTURE PHASE 3: 4.29 ACRES @ 50% IMPERVIOUS = 22,464 C.F.  
TOTAL: 7.74 ACRES @ 50% IMPERVIOUS = 39,753 C.F.  
EXISTING: 0 C.F.  
PROVIDED: 20,901.03 C.F. (IN POND BETWEEN 896.00 AND 890.00 CONTOURS UNDER PHASES 1 & 2)  
FUTURE: A MINIMUM OF 18,851.97 C.F. OF RETENTION TO BE PROVIDED UNDER PHASE 3.



**SHEYENNE ST.  
SENIOR HOUSING  
REDEVELOPMENT  
WEST FARGO, ND**



830 First Avenue North | Fargo, North Dakota 58102  
701.282.5005 | fossarch.com



**moore**  
engineering, inc.

**REVISIONS:**

NO.	DATE	DESCRIPTION
----	----	----
----	----	----
----	----	----
----	----	----
----	----	----
----	----	----

COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

*NOT FOR  
CONSTRUCTION*

PROJECT NUMBER: 20401
SCALE:
DATE: 08.29.18
MANAGER: SWI      DESIGNER: BMB
DRAFTER: TWD/LAZ      REVIEWER: KJMc

**COVER SHEET  
AND CIVIL NOTES**

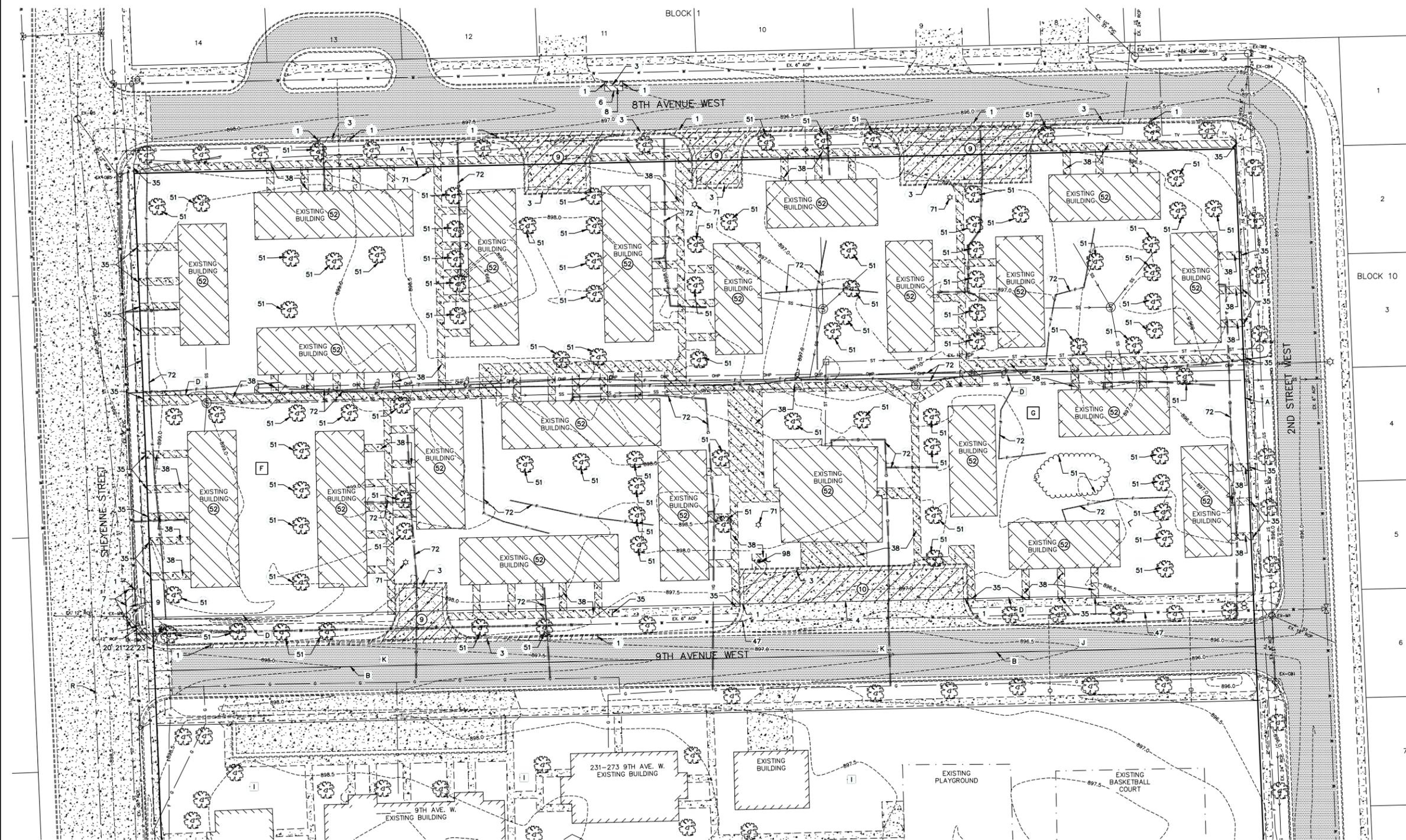


SHEET:

**C-001**

SHEET 1 OF 10

FILE LOCATION: R:\C\1\30 Projects\20401\DRAWINGS\DESIGN\20401-SITE.dwg



- GENERAL NOTATIONS**
- A PROPERTY LINE.
  - B PROPOSED PROPERTY LINE.
  - D EXISTING PROPERTY LINE TO BE VACATED.
  - F NOTIFY PROPERTY OWNER PRIOR TO PERFORMING THIS WORK.
  - G OBTAIN PERMISSION FROM PROPERTY OWNER PRIOR TO PERFORMING THIS WORK.
  - I FUTURE PHASE 3.
  - J FUTURE STORM WATER RETENTION AREA.
  - K 9TH STREET WEST TO BE VACATED UNDER FUTURE PHASE 3 SITE.
  - R SECTION LINE.

- REMOVAL NOTATIONS - VEHICULAR AREAS**
- 1 SAWCUT EXISTING CURB AND GUTTER FULL DEPTH.
  - 2 DEMOLISH EXISTING CURB AND GUTTER.
  - 3 SAWCUT EXISTING CONCRETE DRIVEWAY FULL DEPTH.
  - 4 SAWCUT EXISTING ASPHALT PAVEMENT FULL DEPTH.
  - 5 SAWCUT EXISTING CONCRETE PAVEMENT FULL DEPTH.
  - 6 REMOVE EXISTING ASPHALT PAVEMENT.
  - 7 REMOVE EXISTING CONCRETE PAVEMENT.
  - 8 REMOVE EXISTING ASPHALT PAVEMENT.
  - 9 REMOVE EXISTING CONCRETE PAVEMENT.
  - 10 REMOVE EXISTING CONCRETE DRIVEWAY.
- REMOVAL NOTATIONS - PEDESTRIAN AREAS**
- 15 SAWCUT EXISTING SIDEWALK FULL DEPTH.
  - 16 REMOVE EXISTING SIDEWALK.

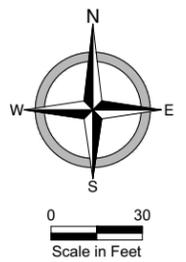
- REMOVAL NOTATIONS - MISCELLANEOUS**
- 51 CLEAR AND GRUB EXISTING TREES, SHRUBS, ROOTS, ETC.
  - 52 DEMOLISH EXISTING BUILDING.
  - 71 REMOVE ALL EXISTING LIGHT STANDARDS. ALL MAY NOT BE SHOWN.
  - 72 REMOVE/RELOCATE/ABANDON ALL ON-SITE DRY UTILITIES (BY OTHERS).
  - 98 REMOVE EXISTING FLAGPOLE.

**EXISTING STRUCTURE SCHEDULE**

EX-M1 RM: 895.81 N INV: 890.74 S INV: 890.11 E INV: 886.57	EX-M2 RM: 895.41 S INV: 890.68 W INV: 890.63	EX-M3 RM: 896.39 N INV: 891.74 E INV: 891.71 NW INV: 884.22	EX-M4 RM: 898.23 N INV: 890.73 S INV: 890.19	EX-M5 RM: 898.16 INV: 891.06	EX-M6 (ABANDONED) RM: 898.99 INV: 894.49	EX-M7 RM: 897.83 S INV: 890.4	EX-C81 RM: 895.37 N INV: 891.43	EX-C82 RM: 895.47 N INV: 889.76 S INV: 886.57 W INV: 890.05	EX-C83 RM: 894.77 N INV: 892.89	EX-C84 RM: 894.91 S INV: 890.79 SW INV: 892.43	EX-C85 RM: 897.75 NW INV: 893.90	EX-C86 RM: 897.79 NW INV: 893.81	EX-C87 RM: 895.65 N INV: 886.21 W INV: 886.20 S INV: 890.81 SE INV: 890.95	EX-C88 RM: 896.28 FULL OF TRASH	EX-C89 RM: 897.56 N INV: 893.10 W INV: 893.06	EX-C90 RM: 896.62 S INV: 890.91	EX-C91 RM: 896.05 W INV: 891.31 E INV: 891.19	EX-C92 RM: 896.43 SW INV: 892.77	EX-C93 RM: 897.03 N INV: 887.90 E INV: 887.90	EX-C94 RM: 896.82 N INV: 891.49 NE INV: 891.80 S INV: 891.24 W INV: 891.73	EX-C95 RM: 898.99 N INV: 892.13 E INV: 889.67 S INV: 893.09
--	---	---	---	------------------------------------	---	-------------------------------------	---------------------------------------	---	---------------------------------------	---	--	--	---	---------------------------------------	--	---------------------------------------	--	--	--	---	---

**BENCHMARK LIST**  
ALL ELEVATIONS SHOWN ARE NGVD 1929

NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT	SW QUAD 9 J AVE. W. AND 2ND ST. W.	899.24
2	TOP NUT ON HYDRANT	SE QUAD 9 J AVE. W. AND SHEYENNE ST.	902.49
3	TOP NUT ON HYDRANT	NE QUAD 9TH AVE. W. AND SHEYENNE ST.	901.75
4	TOP NUT ON HYDRANT	NW QUAD 9TH AVE. W. AND 2ND ST. W.	899.22
5	TOP NUT ON HYDRANT	NE QUAD 8TH AVE. W. AND SHEYENNE ST.	901.15
6	TOP NUT ON HYDRANT	NW QUAD 8TH AVE. W. AND 2ND ST. W.	899.25



**TABLE OF CONTENTS**

SHEET 1 OF 10	C-001 COVER SHEET AND CIVIL NOTES
SHEET 2 OF 10	C-002 CIVIL NOTES AND LEGEND
SHEET 3 OF 10	C-401 EXISTING CONDITIONS AND REMOVALS PLAN
SHEET 4 OF 10	C-402 UTILITY PLAN
SHEET 5 OF 10	C-403 SITE PLAN
SHEET 6 OF 10	C-404 GRADING PLAN
SHEET 7 OF 10	C-405 EROSION PREVENTION AND SEDIMENT CONTROL PLAN
SHEET 8 OF 10	C-406 LANDSCAPE PLAN
SHEET 9 OF 10	C-501 TYPICAL DETAILS
SHEET 10 OF 10	C-502 TYPICAL DETAILS

**SHEYENNE ST. SENIOR HOUSING REDEVELOPMENT WEST FARGO, ND**

**REVISIONS:**

NO.	DATE	DESCRIPTION

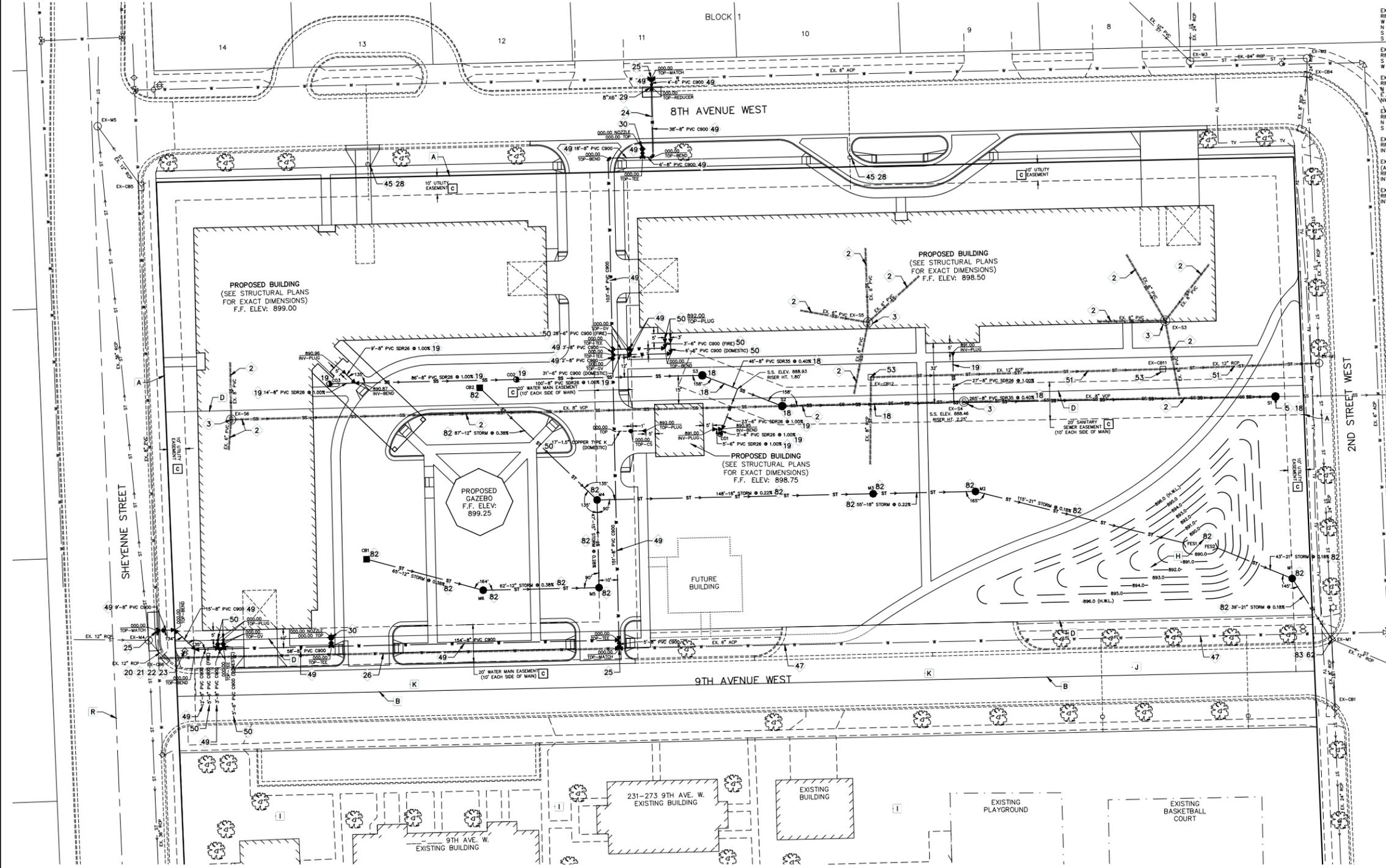
COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

**NOT FOR CONSTRUCTION**

PROJECT NUMBER: 20401  
SCALE:  
DATE: 08.29.18  
MANAGER: SWI DESIGNER: BMB  
DRAFTER: TWD/LAZ REVIEWER: KJMc

**EXISTING CONDITIONS AND REMOVALS PLAN**

FILE LOCATION: R:\CMI\3D\Projects\20401\DRAWINGS\DESIGN\20401-SITE.DWG

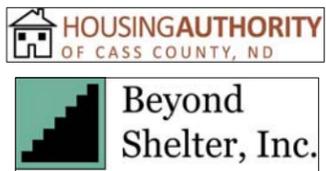


**EXISTING STRUCTURE SCHEDULE**

EX-M1 RM: 895.81 N INV: 890.74 S INV: 890.11 E INV: 886.57	EX-CB1 RM: 895.28 N INV: 891.43	EX-CB2 RM: 895.47 N INV: 895.78 S INV: 886.57 E INV: 890.18	EX-CB3 RM: 894.77 N INV: 892.89 S INV: 894.91 E INV: 891.19	EX-CB4 RM: 895.51 N INV: 892.79 S INV: 892.43 E INV: 890.19	EX-CB5 RM: 897.75 N INV: 893.90 S INV: 896.03 E INV: 891.26	EX-S2 RM: 897.21 FULL OF TRASH E INV: 888.63	EX-S3 RM: 896.39 N INV: 890.66 S INV: 890.83 NE INV: 890.79	EX-S4 RM: 897.03 N INV: 887.90 E INV: 887.90	EX-S5 RM: 896.82 N INV: 891.49 NE INV: 891.80 S INV: 891.24 W INV: 891.73	EX-S6 RM: 898.99 N INV: 892.13 E INV: 888.67 S INV: 893.09
--	---------------------------------------	---	---	---	---	---	---	---	--	--

**NEW STRUCTURE SCHEDULE**

M1 RM: 898.08 N INV: 891.06 E INV: 894.49	M2 RM: 897.55 N INV: 891.00 E INV: 891.00	M3 RM: 897.55 N INV: 891.00 E INV: 891.00	M4 RM: 897.55 N INV: 891.00 E INV: 891.00	M5 RM: 897.05 N INV: 891.00 E INV: 891.00	M6 RM: 897.00 N INV: 891.00 E INV: 891.00	S2 RM: 898.83 E INV: 888.83	S3 RM: 899.01 W INV: 889.01 SE INV: 889.01	S4 RM: 899.01 W INV: 889.01 SE INV: 889.01	S5 RM: 899.01 W INV: 889.01 SE INV: 889.01	S6 RM: 899.01 W INV: 889.01 SE INV: 889.01
--	--	--	--	--	--	-----------------------------------	---	---	---	---



**SHEYENNE ST. SENIOR HOUSING REDEVELOPMENT WEST FARGO, ND**



**REVISIONS:**

NO.	DATE	DESCRIPTION

COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

**NOT FOR CONSTRUCTION**

PROJECT NUMBER: 20401  
SCALE: \_\_\_\_\_  
DATE: 08.29.18  
MANAGER: SWI DESIGNER: BMB  
DRAFTER: TWD/LAZ REVIEWER: KJMc

**UTILITY PLAN**

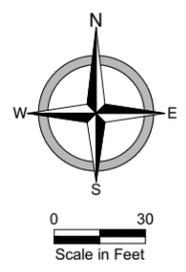
**BENCHMARK LIST**  
ALL ELEVATIONS SHOWN ARE NGVD 1929

NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT	SW. QUAD 9 1/2 AVE. W. AND 2ND ST. W.	899.24
2	TOP NUT ON HYDRANT	SE. QUAD 9 1/2 AVE. W. AND SHEYENNE ST.	902.49
3	TOP NUT ON HYDRANT	NE. QUAD 9TH AVE. W. AND SHEYENNE ST.	901.75
4	TOP NUT ON HYDRANT	NW. QUAD 9TH AVE. W. AND 2ND ST. W.	899.22
5	TOP NUT ON HYDRANT	NE. QUAD 8TH AVE. W. AND SHEYENNE ST.	901.15
6	TOP NUT ON HYDRANT	NW. QUAD 8TH AVE. W. AND 2ND ST. W.	899.25

**TABLE OF CONTENTS**

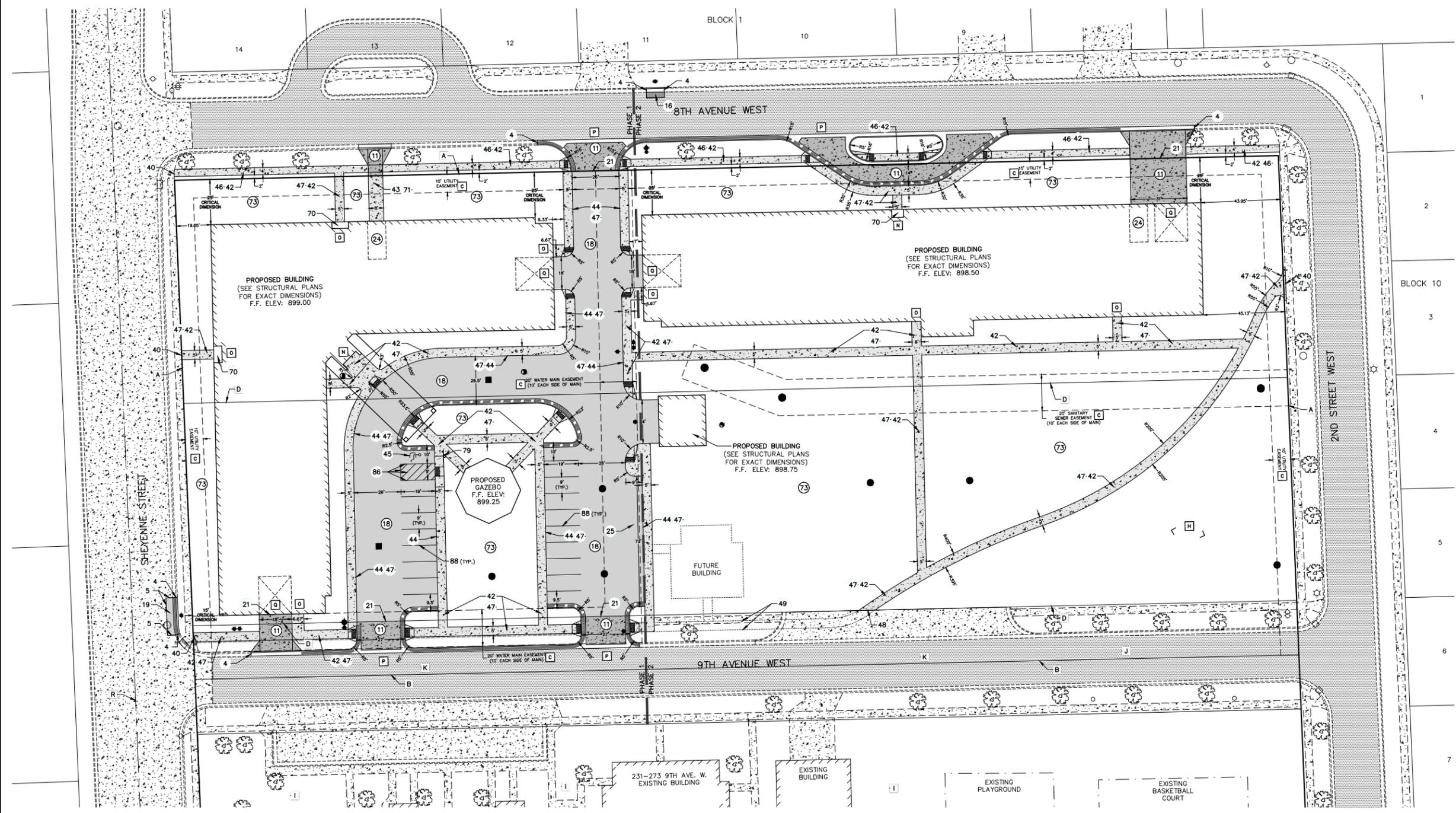
SHEET 1 OF 10	C-001 COVER SHEET AND CIVIL NOTES
SHEET 2 OF 10	C-002 CIVIL NOTES AND LEGEND
SHEET 3 OF 10	C-401 EXISTING CONDITIONS AND REMOVALS PLAN
SHEET 4 OF 10	C-402 UTILITY PLAN
SHEET 5 OF 10	C-403 SITE PLAN
SHEET 6 OF 10	C-404 GRADING PLAN
SHEET 7 OF 10	C-405 EROSION PREVENTION AND SEDIMENT CONTROL PLAN
SHEET 8 OF 10	C-406 LANDSCAPE PLAN
SHEET 9 OF 10	C-501 TYPICAL DETAILS
SHEET 10 OF 10	C-502 TYPICAL DETAILS

- GENERAL NOTATIONS**
- A PROPERTY LINE.
  - B PROPOSED PROPERTY LINE.
  - C PROPOSED EASEMENT.
  - D EXISTING PROPERTY LINE TO BE VACATED.
  - H STORM WATER RETENTION AREA.
  - I FUTURE PHASE 3.
  - J FUTURE STORM WATER RETENTION AREA.
  - K 9TH STREET WEST TO BE VACATED UNDER FUTURE PHASE 3 SITE.
  - R SECTION LINE.
- UTILITY NOTATIONS - SANITARY SEWER**
- 2 REMOVE EXISTING SANITARY SEWER.
  - 3 REMOVE EXISTING SANITARY SEWER MANHOLE.
  - 5 CONNECT TO EXISTING SANITARY SEWER.
  - 18 PUBLIC UTILITY.
  - 19 PRIVATE UTILITY.
- UTILITY NOTATIONS - WATER MAIN**
- 20 REMOVE EXISTING WATER MAIN.
  - 21 REMOVE EXISTING GATE VALVE AND BOX.
  - 22 REMOVE EXISTING HYDRANT.
  - 23 PLUG AT MAIN.
  - 24 8" BORING.
  - 25 CONNECT TO EXISTING WATER MAIN.
  - 26 ABANDON EXISTING WATER MAIN.
  - 28 EXISTING WATER SERVICE ASSUMED 1" DIAMETER. MATERIAL AND ELEVATION UNKNOWN.
  - 30 10' HYDRANT (8.5' BURY).
  - 45 ABANDON EXISTING WATER SERVICE AND CURB STOP AND BOX.
  - 47 TO BE ABANDONED DURING FUTURE PHASE 3 CONSTRUCTION.
  - 49 PUBLIC UTILITY.
  - 50 PRIVATE UTILITY.
- UTILITY NOTATIONS - STORM SEWER**
- 51 REMOVE EXISTING STORM SEWER.
  - 52 REMOVE EXISTING STORM SEWER MANHOLE.
  - 53 REMOVE EXISTING STORM SEWER CATCH BASIN.
  - 62 CONNECT TO EXISTING STORM SEWER MANHOLE.
  - 64 CONNECT TO EXISTING 4" PERFORATED P.V.C. DRAINILE.
  - 69 INSULATE BELOW STORM/ABOVE WATER MAIN.
  - 70 APPROXIMATE ROOF DRAIN LOCATION. VERIFY WITH ARCHITECTURAL/MECHANICAL PLANS.
  - 71 PERFORATED 4" P.V.C. PIPE.
  - 74 BUILDING DOWNSPOUT CONNECTION SYSTEM.
  - 77 C.M.P. FLARE END SECTION.
  - 82 PRIVATE UTILITY.
  - 83 PUBLIC UTILITY.



FILE LOCATION: R:\CMI\_3D\_Projects\20401\DRAWINGS\DESIGN\20401\_SITE.dwg

**SHEYENNE ST. SENIOR HOUSING REDEVELOPMENT WEST FARGO, ND**

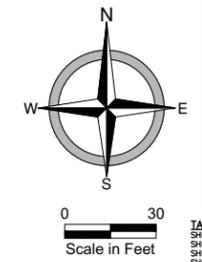


- GENERAL NOTATIONS**
- A PROPERTY LINE.
  - B PROPOSED PROPERTY LINE.
  - C PROPOSED EASEMENT.
  - D EXISTING PROPERTY LINE TO BE VACATED.
  - H STORM WATER RETENTION AREA.
  - I FUTURE PHASE 3.
  - J FUTURE STORM WATER RETENTION AREA.
  - K 9TH STREET WEST TO BE VACATED UNDER FUTURE PHASE 3 SITE.
  - N MAIN ENTRANCE.
  - O SECONDARY ENTRANCE.
  - P VEHICULAR ENTRANCE.
  - Q UNDERGROUND/COVERED PARKING ENTRANCE.
  - R SECTION LINE.

- SITE NOTATIONS - VEHICULAR AREAS**
- 4 CONNECT TO EXISTING CURB AND GUTTER.
  - 5 CONNECT TO EXISTING CONCRETE PAVEMENT.
  - 11 7" CONCRETE DRIVEWAY.
  - 16 ASPHALT PAVEMENT SECTION.
  - 18 CONCRETE PAVEMENT SECTION.
  - 19 STREET PATCH/TRENCH - CONCRETE SURFACE.
  - 21 PLACE EXPANSION JOINT WITH #4 X 12" SMOOTH DOWELS @ 24" SPACING MID-DEPTH THROUGH DRIVEWAY AT PROPERTY LINE.
  - 24 TRASH/RECYCLING ENCLOSURE/DUMPSTER AREA.
  - 25 PARALLEL PARKING AREA.

- SITE NOTATIONS - PEDESTRIAN AREAS**
- 40 CONNECT TO EXISTING SIDEWALK.
  - 42 4" CONCRETE SIDEWALK.
  - 43 5" CONCRETE MULTI-USE PATH.
  - 44 SIDEWALK CURB.
  - 45 6" CONCRETE CURB RAMP.
  - 46 PUBLIC SIDEWALK.
  - 47 PRIVATE SIDEWALK.
  - 48 CONNECT TO EXISTING DRIVEWAY.
  - 49 FUTURE 4" SIDEWALK.

- SITE NOTATIONS - MISCELLANEOUS**
- 70 STOOP. SEE STRUCTURAL PLANS.
  - 71 TO BE USED TO ROLL OUT TRASH/RECYCLING/DUMPSTERS TO CURB.
- SITE NOTATIONS - EARTHWORK**
- 72 REPLACE TOPSOIL THEN STABILIZE SEED PER EROSION PREVENTION AND SEDIMENT CONTROL PLAN.
- SITE NOTATIONS - SIGNING**
- 79 VAN ACCESSIBLE PARKING SIGN ASSEMBLY.
- SITE NOTATIONS - PAVEMENT MARKINGS**
- 86 4" BLUE.
  - 88 4" YELLOW.
  - 89 BLUE MESSAGE.



**BENCHMARK LIST**  
ALL ELEVATIONS SHOWN ARE NGVD 1929

NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT	SW QUAD 9 1/2 AVE. W. AND 2ND ST. W.	899.24
2	TOP NUT ON HYDRANT	SE QUAD 9 1/2 AVE. W. AND SHEYENNE ST.	902.49
3	TOP NUT ON HYDRANT	NE QUAD 9TH AVE. W. AND SHEYENNE ST.	901.75
4	TOP NUT ON HYDRANT	NW QUAD 9TH AVE. W. AND 2ND ST. W.	899.22
5	TOP NUT ON HYDRANT	NE QUAD 8TH AVE. W. AND SHEYENNE ST.	901.15
6	TOP NUT ON HYDRANT	NW QUAD 8TH AVE. W. AND 2ND ST. W.	899.25

**TABLE OF CONTENTS**

SHEET	DESCRIPTION
1 OF 10	C-001 COVER SHEET AND CIVIL NOTES
2 OF 10	C-002 CIVIL NOTES AND LEGEND
3 OF 10	C-401 EXISTING CONDITIONS AND REMOVALS PLAN
4 OF 10	C-402 UTILITY PLAN
5 OF 10	C-403 SITE PLAN
6 OF 10	C-404 GRADING PLAN
7 OF 10	C-405 EROSION PREVENTION AND SEDIMENT CONTROL PLAN
8 OF 10	C-406 LANDSCAPE PLAN
9 OF 10	C-501 TYPICAL DETAILS
10 OF 10	C-502 TYPICAL DETAILS

**REVISIONS:**

NO.	DATE	DESCRIPTION

COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

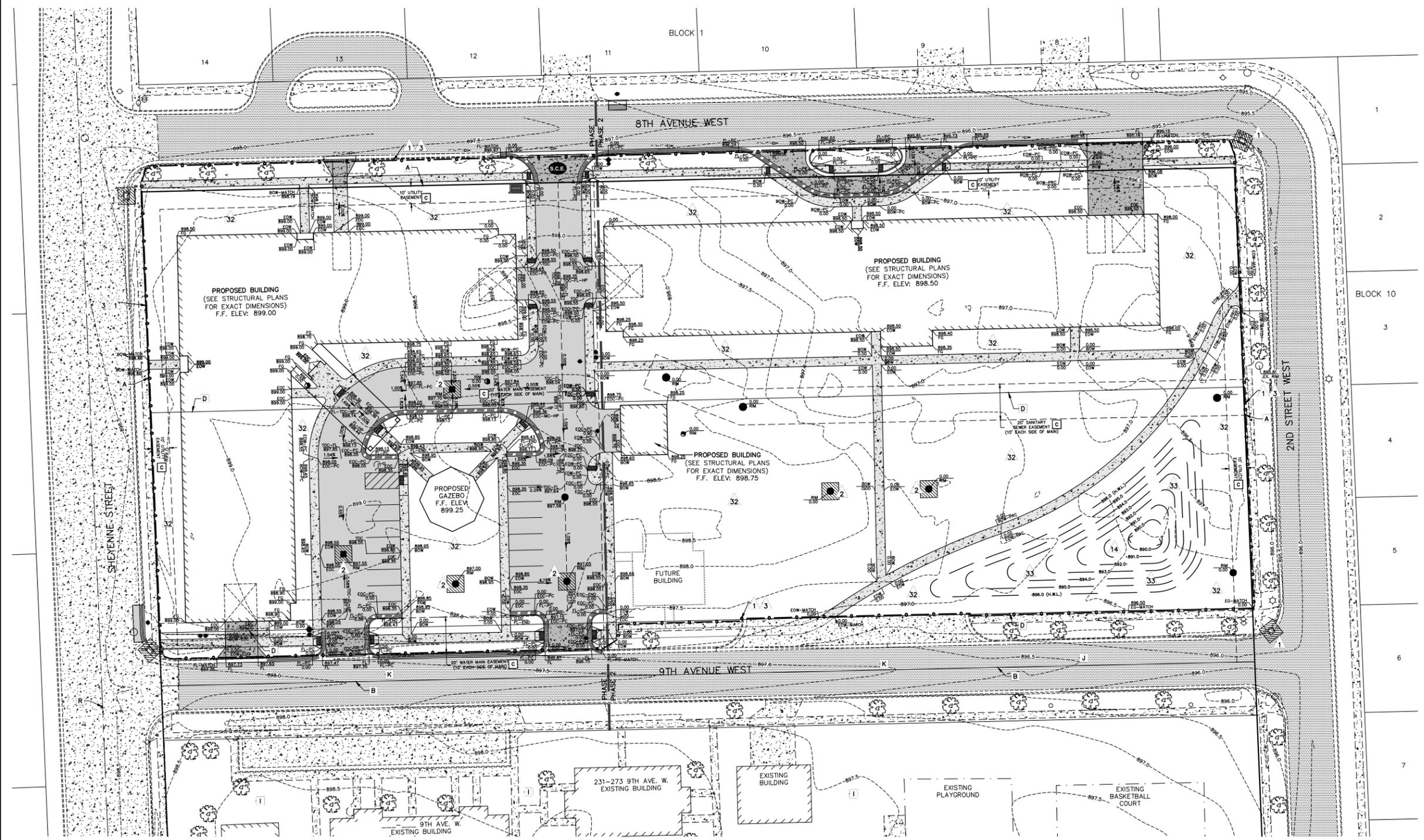
**NOT FOR CONSTRUCTION**

PROJECT NUMBER: 20401  
SCALE:  
DATE: 08.29.18  
MANAGER: SWI DESIGNER: BMB  
DRAFTER: TWD/LAZ REVIEWER: KJMc

**SITE PLAN**

FILE LOCATION: R:\CM\30 Projects\20401 DRAWINGS\DESIGN\20401 SITE.DWG

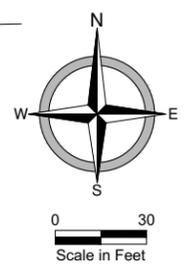
**SHEYENNE ST. SENIOR HOUSING REDEVELOPMENT WEST FARGO, ND**



- GENERAL NOTATIONS**
- A PROPERTY LINE.
  - B PROPOSED PROPERTY LINE.
  - C PROPOSED EASEMENT.
  - D EXISTING PROPERTY LINE TO BE VACATED.
  - R SECTION LINE.
- EROSION PREVENTION AND SEDIMENT CONTROL NOTATIONS**
- 1 INSTALL PRIOR TO UPSTREAM DISTURBANCES.
  - 2 INSTALL WHEN STRUCTURE INSTALLED.
  - 3 REMOVE AND REPLACE WITH SEDIMENTATION CONTROL WATTLE AT FINAL STABILIZATION.
  - 14 DRY RETENTION POND.
  - 32 SEED AND HYDRO MULCH. VERIFY INSTALLATION AREAS WITH LANDSCAPE PLAN.
  - 33 SEED AND EROSION CONTROL BLANKET.

**BENCHMARK LIST**  
ALL ELEVATIONS SHOWN ARE MVD 1929

NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT	SW QUAD 9 1/2 AVE. W. AND 2ND ST. W.	899.24
2	TOP NUT ON HYDRANT	SE QUAD 9 1/2 AVE. W. AND SHEYENNE ST.	902.49
3	TOP NUT ON HYDRANT	NE QUAD 9TH AVE. W. AND SHEYENNE ST.	901.75
4	TOP NUT ON HYDRANT	NW QUAD 9TH AVE. W. AND 2ND ST. W.	899.22
5	TOP NUT ON HYDRANT	NE QUAD 8TH AVE. W. AND SHEYENNE ST.	901.15
6	TOP NUT ON HYDRANT	NW QUAD 8TH AVE. W. AND 2ND ST. W.	899.25



**REVISIONS:**

NO.	DATE	DESCRIPTION

COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

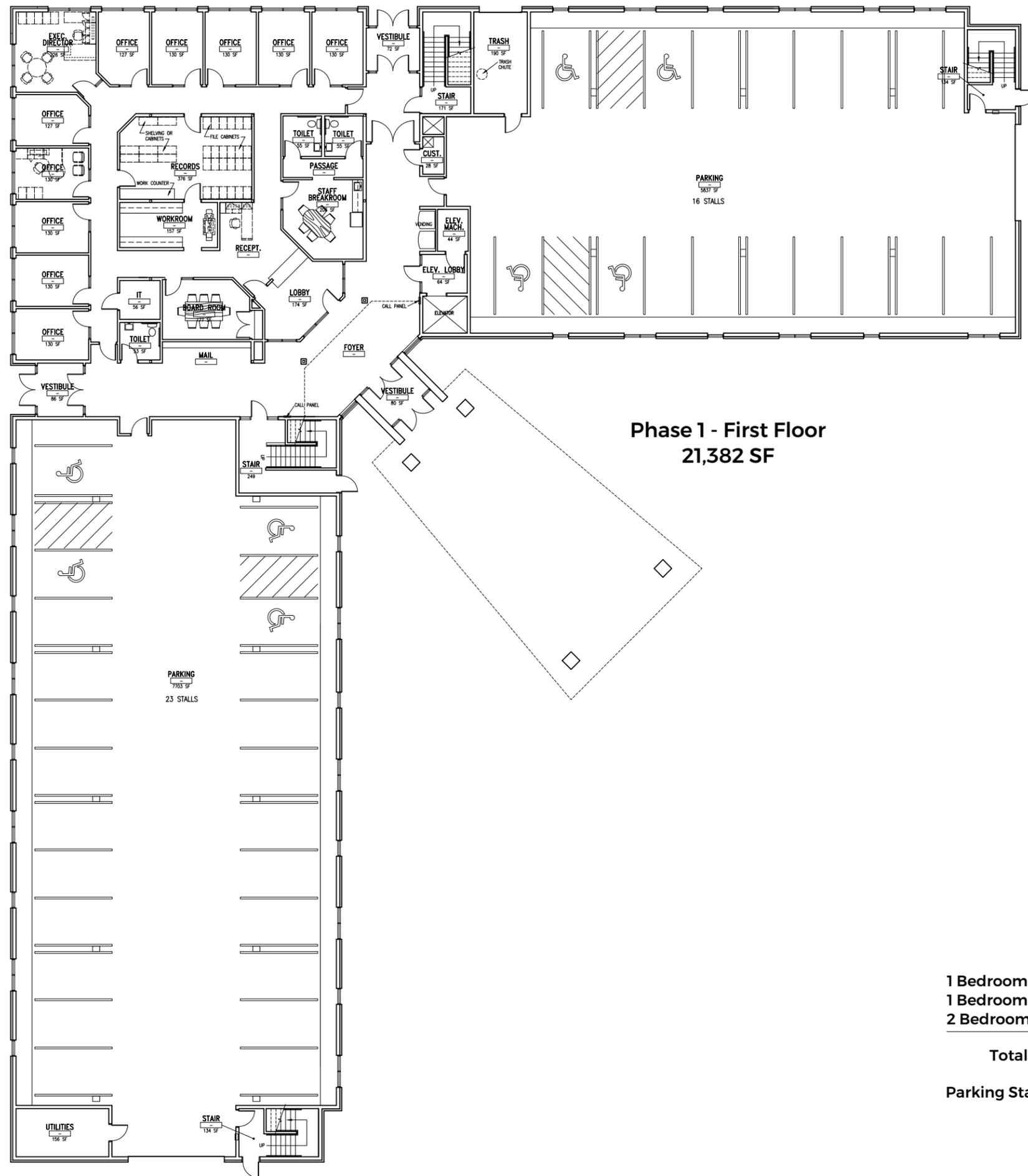
**NOT FOR CONSTRUCTION**

PROJECT NUMBER: 20401  
SCALE:  
DATE: 08.29.18  
MANAGER: SWI DESIGNER: BMB  
DRAFTER: TWD/LAZ REVIEWER: KJMc

**GRADING & EROSION PREVENTION AND SEDIMENT CONTROL PLAN**

**TABLE OF CONTENTS**

SHEET 1 OF 10	C-001 COVER SHEET AND CIVIL NOTES
SHEET 2 OF 10	C-002 CIVIL NOTES AND LEGEND
SHEET 3 OF 10	C-401 EXISTING CONDITIONS AND REMOVALS PLAN
SHEET 4 OF 10	C-402 UTILITY PLAN
SHEET 5 OF 10	C-403 SITE PLAN
SHEET 6 OF 10	C-404 GRADING PLAN
SHEET 7 OF 10	C-405 EROSION PREVENTION AND SEDIMENT CONTROL PLAN
SHEET 8 OF 10	C-406 LANDSCAPE PLAN
SHEET 9 OF 10	C-501 TYPICAL DETAILS
SHEET 10 OF 10	C-502 TYPICAL DETAILS



Phase 1 - First Floor  
21,382 SF

	Phase 1	Phase 2
1 Bedroom Type A Units	9	8
1 Bedroom Type B Units	33	28
2 Bedroom Type A Units	3	3
<b>Total Units</b>	<b>45</b>	<b>39</b>
<b>Parking Stalls</b>	<b>39</b>	<b>47</b>

REVISIONS:

NO.	DATE	DESCRIPTION

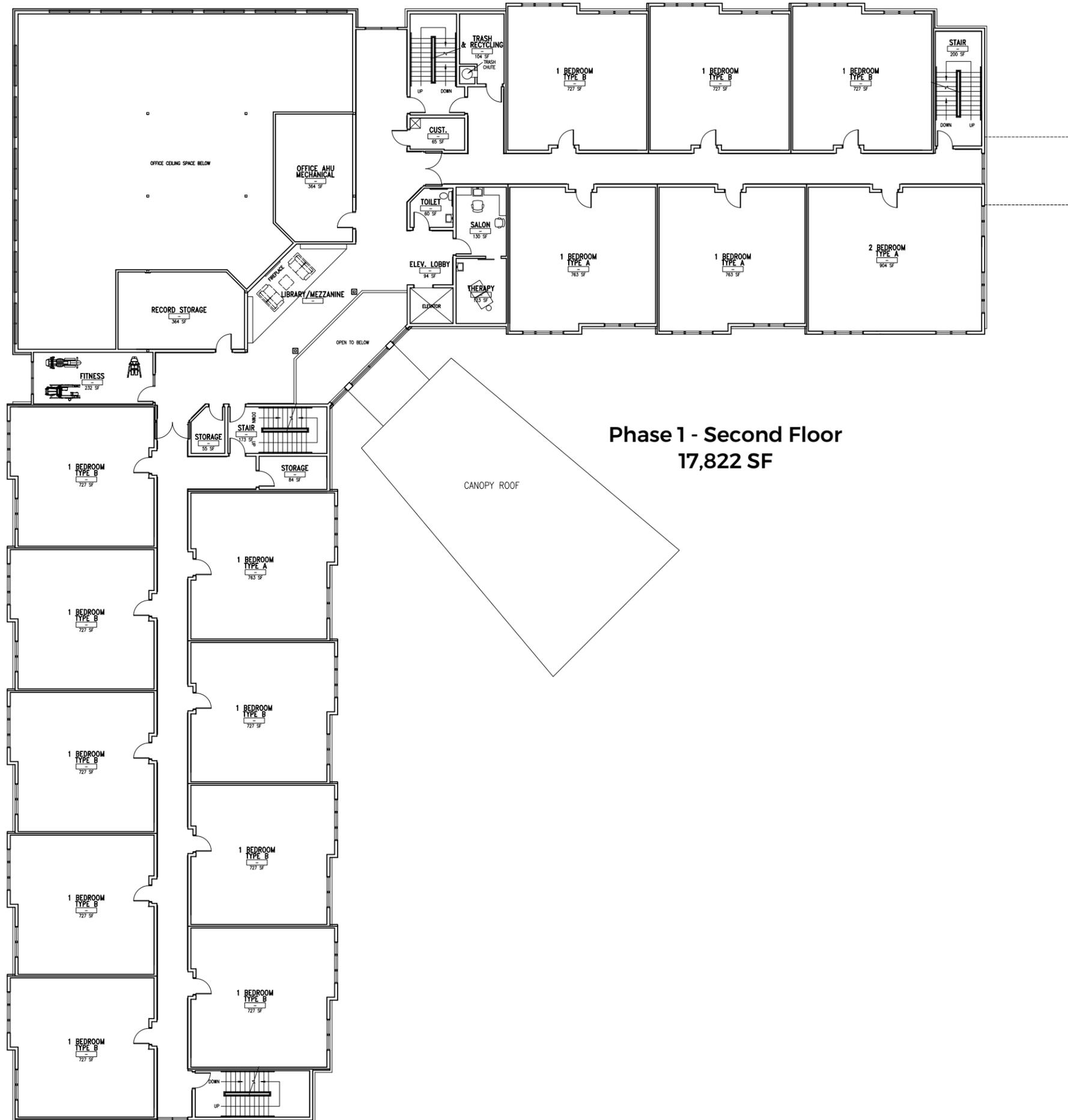
COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

I HERBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

SIGNATURE: \_\_\_\_\_  
REGISTRATION NAME: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_

PROJECT NUMBER: 1829  
SCALE: 3/32" = 1'-0"  
DATE: AUGUST 2018  
DRAWN: RAA

**PHASE 1 - FIRST FLOOR**



Phase 1 - Second Floor  
17,822 SF

REVISIONS:

NO.	DATE	DESCRIPTION

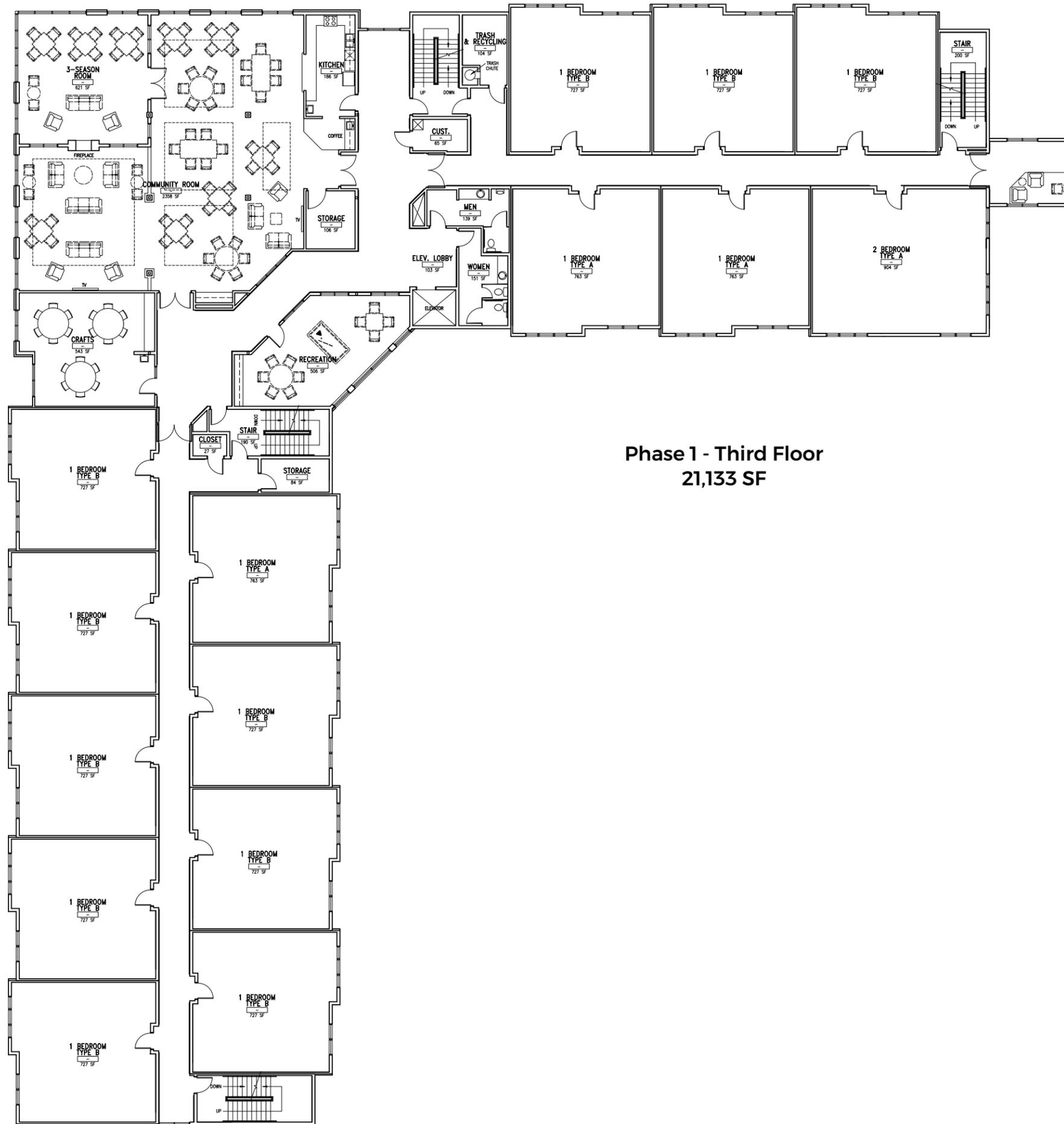
COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

I HERBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

SIGNATURE: \_\_\_\_\_  
REGISTRATION NAME: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_

PROJECT NUMBER: 1829  
SCALE: 3/32" = 1'-0"  
DATE: AUGUST 2018  
DRAWN: RAA

PHASE 1 - SECOND FLR



Phase 1 - Third Floor  
21,133 SF

REVISIONS:

NO.	DATE	DESCRIPTION

COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

I HERBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

SIGNATURE: \_\_\_\_\_  
REGISTRATION NAME: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_

PROJECT NUMBER: 1829  
SCALE: 3/32" = 1'-0"  
DATE: AUGUST 2018  
DRAWN: RAA

PHASE 1 - THIRD FLOOR



REVISIONS:

NO.	DATE	DESCRIPTION

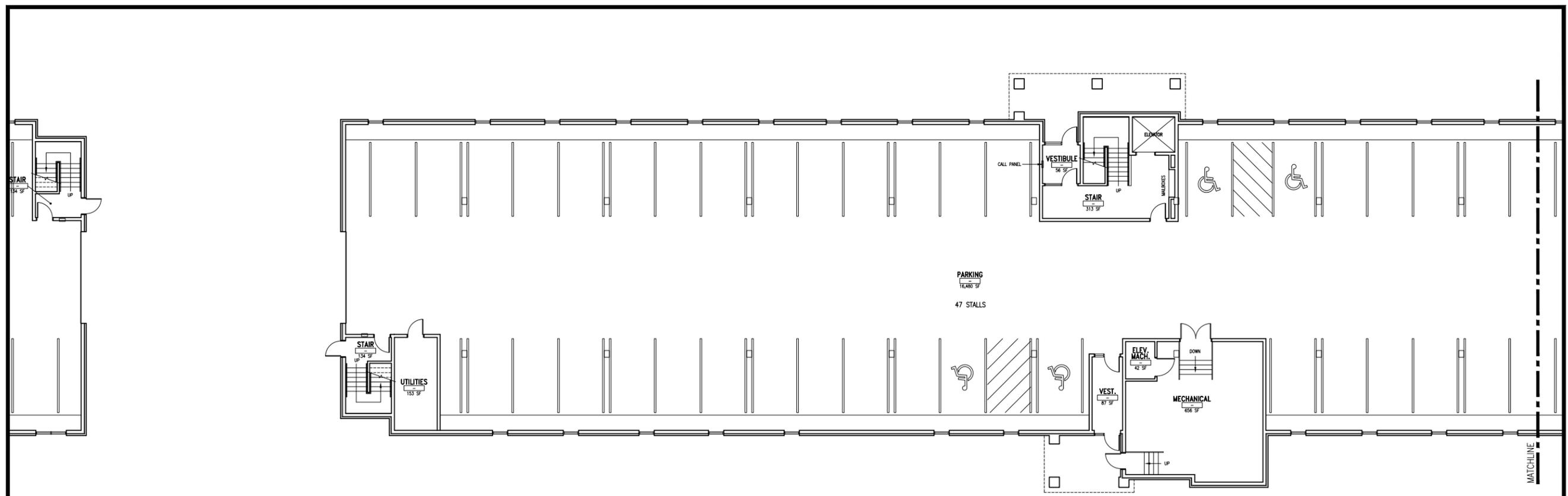
COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

I HERBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT  
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND  
THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF  
THE STATE OF NORTH DAKOTA.

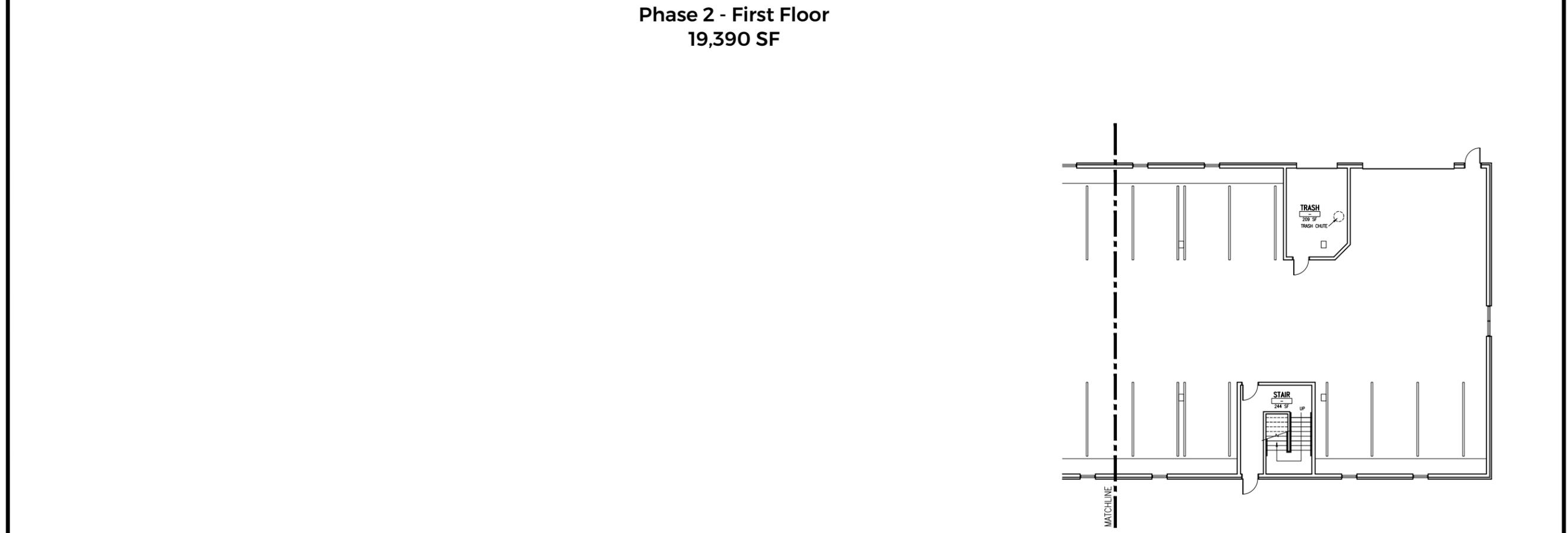
SIGNATURE: \_\_\_\_\_  
REGISTRATION NAME: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_

PROJECT NUMBER: 1829  
SCALE: 3/32" = 1'-0"  
DATE: AUGUST 2018  
DRAWN: RAA

PHASE 2 - FIRST FLOOR



Phase 2 - First Floor  
19,390 SF



REVISIONS:

NO.	DATE	DESCRIPTION

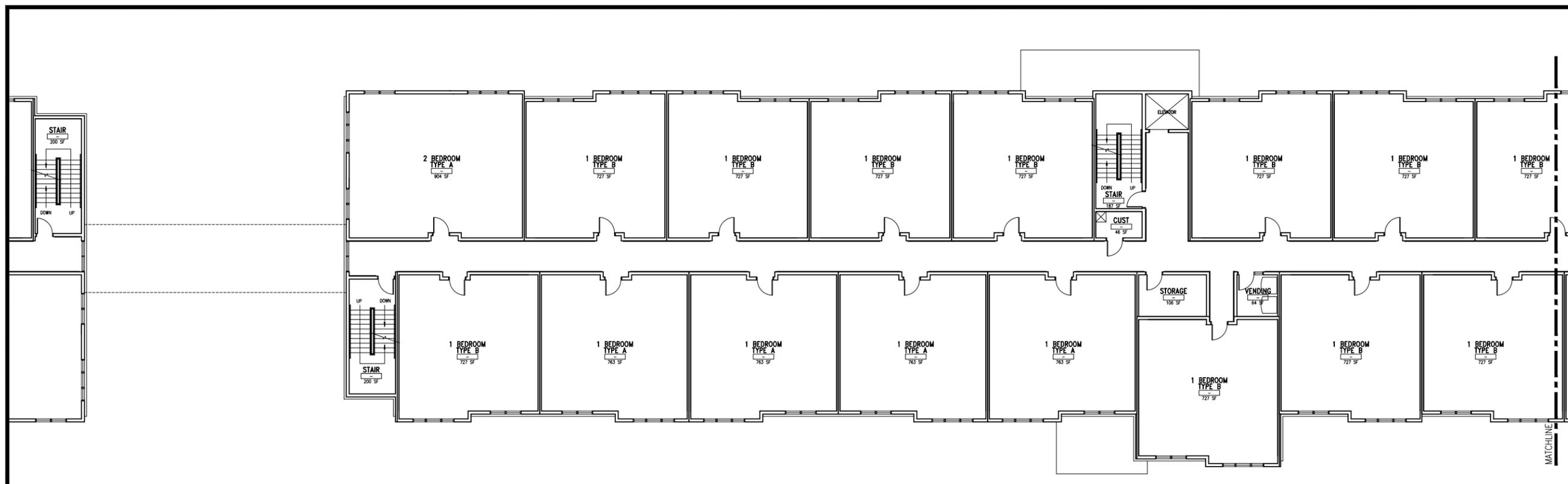
COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

I HERBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT  
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND  
THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF  
THE STATE OF NORTH DAKOTA.

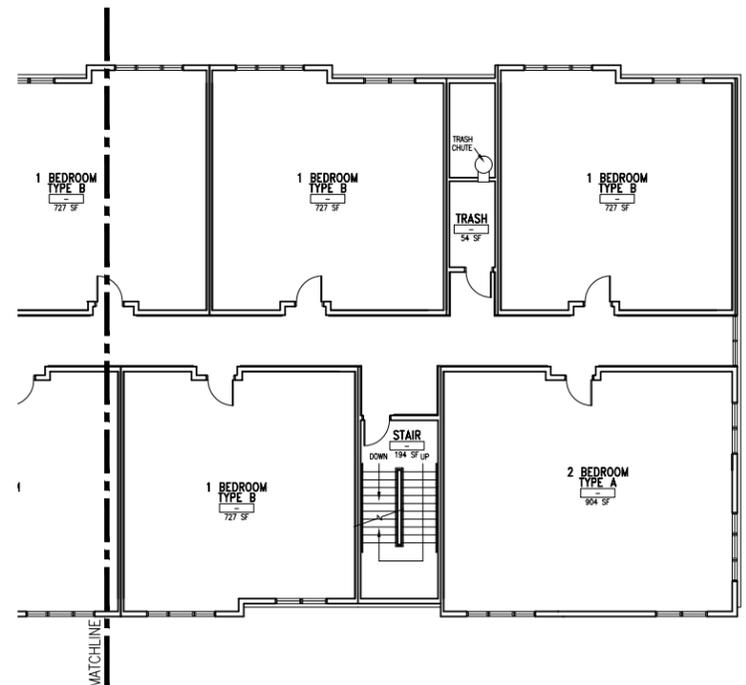
SIGNATURE: \_\_\_\_\_  
REGISTRATION NAME: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_

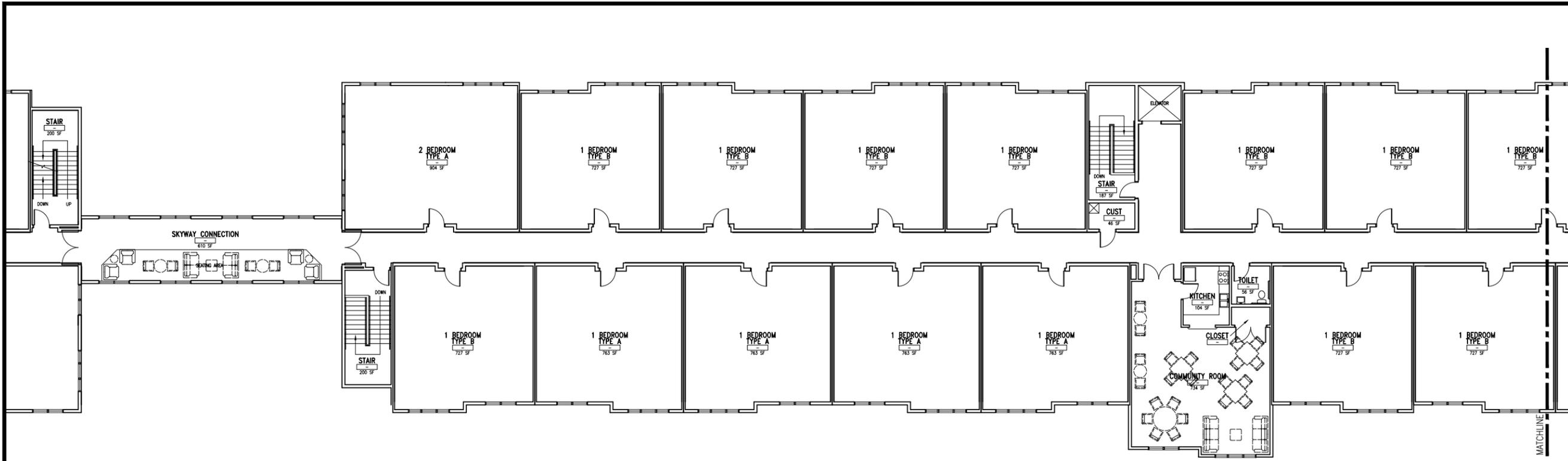
PROJECT NUMBER: 1829  
SCALE: 3/32" = 1'-0"  
DATE: AUGUST 2018  
DRAWN: RAA

PHASE 2 - SECOND FLR

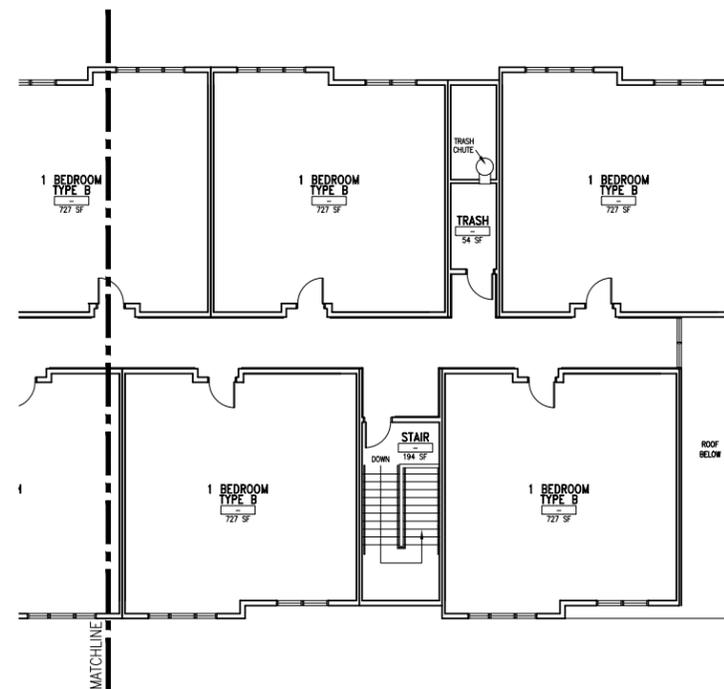


Phase 2 - Second Floor  
19,533 SF





Phase 2 - Third Floor  
19,957 SF



REVISIONS:

NO.	DATE	DESCRIPTION

COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

I HERBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

SIGNATURE: \_\_\_\_\_  
REGISTRATION NAME: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_

PROJECT NUMBER: 1829  
SCALE: 3/32" = 1'-0"  
DATE: AUGUST 2018  
DRAWN: RAA

**PHASE 2 - THIRD FLOOR**

REVISIONS:

NO.	DATE	DESCRIPTION

COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

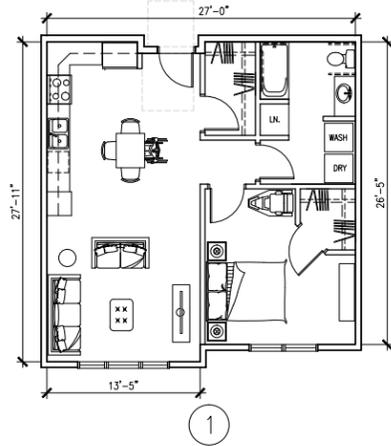
I HERBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

SIGNATURE: \_\_\_\_\_  
REGISTRATION NAME: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_

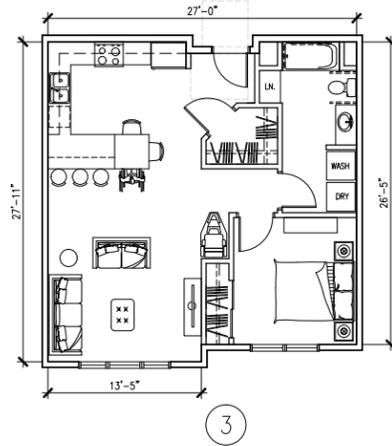
PROJECT NUMBER: 1829  
SCALE: AS NOTED  
DATE: AUGUST 2018  
DRAWN: \_\_\_\_\_

UNIT PLANS

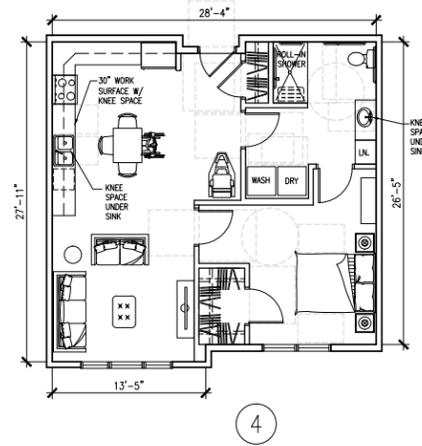
**TYPE B  
1-BED UNIT  
727 SF**



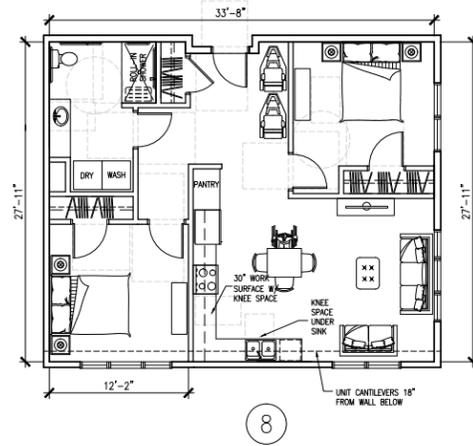
**TYPE B  
1-BED UNIT  
727 SF**



**TYPE A  
1-BED UNIT 763 SF** 



**TYPE A  
2-BED CORNER UNIT 933sf** 



# UNIT PLAN OPTIONS

1/8" = 1'-0"



1 PHASE I NORTH ELEVATION  
A401 1/8"=1'-0"



2 PHASE I EAST ELEVATION  
A401 1/8"=1'-0"



3 PHASE I SOUTH ELEVATION  
A401 1/8"=1'-0"

NOT FOR CONSTRUCTION Aug 28, 2018  
DRAWINGS ARE PRELIMINARY AND SUBJECT TO CHANGE

REVISIONS:

NO.	DATE	DESCRIPTION

COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

SIGNATURE: \_\_\_\_\_  
REGISTRATION NAME: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_  
PROJECT NUMBER: 1829  
SCALE: AS NOTED  
DATE: AUGUST 2018  
DRAWN: ALP

EXTERIOR ELEVATIONS



1 PHASE I WEST ELEVATION  
A402 1/8"=1'-0"



2 PHASE II NORTH ELEVATION  
A402 1/8"=1'-0"



3 PHASE II WEST ELEVATION  
A402 1/8"=1'-0"



4 PHASE II EAST ELEVATION  
A402 1/8"=1'-0"

REVISIONS:

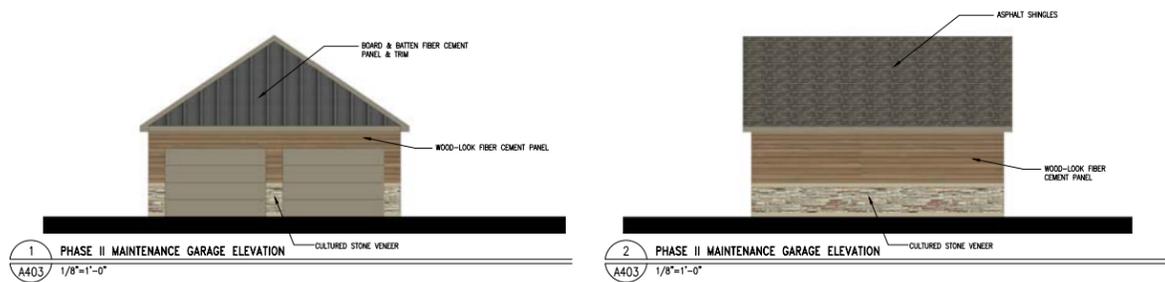
NO.	DATE	DESCRIPTION

COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

SIGNATURE: \_\_\_\_\_  
REGISTRATION NAME: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_  
PROJECT NUMBER: 1829  
SCALE: AS NOTED  
DATE: AUGUST 2018  
DRAWN: ALP

EXTERIOR ELEVATIONS



REVISIONS:

NO.	DATE	DESCRIPTION

COPYRIGHT © 2018  
FOSS ARCHITECTURE & INTERIORS

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

SIGNATURE: \_\_\_\_\_  
 REGISTRATION NAME: \_\_\_\_\_  
 REGISTRATION NUMBER: \_\_\_\_\_  
 PROJECT NUMBER: 1829  
 SCALE: AS NOTED  
 DATE: AUGUST 2018  
 DRAWN: ALP

EXTERIOR ELEVATIONS

**Sheyenne Street Senior Housing Redevelopment  
Housing Authority of Cass County  
And Beyond Shelter, Inc.**

**West Fargo Redevelopment Project Schedule**

Review and Approval of Detailed Development Plan Submittal	September 11, 2018
First Reading by West Fargo City Commission	September 17, 2018
Financing request submitted	September 21, 2018
Second Reading by West Fargo City Commission	October 1, 2018
Authorization to proceed with Construction Documents	November, 2018
Completion of Construction Documents and Bidding	March, 2019
Site Demolition and clearing	June 2019
Construction of Phase 1	July 2019 – June 2020
Construction of Phase 2, if not concurrent with Phase 1	July 2020 – June 2021
Phase 3 (South block) construction	July 2021 – June 2022 (est.)

# **CASS COUNTY HOUSING AUTHORITY PROPERTY**

## **WEST FARGO PROJECT BACKGROUND INFORMATION**

### **Historical Background**

Cass County Housing Authority owns property on three blocks in West Fargo along Sheyenne Street and between 7<sup>th</sup> Avenue West and 9 ½ Avenue West. The property was identified in the 1958 Master Plan (comprehensive plan) as a blighted property outside the city limits. Federal funding was being pursued to redevelop the property as an urban renewal project. It was intended that the property would be annexed into the city in 1967.

The most notable property, the High Rise facility, was developed in 1967 and opened in 1968. The City receives a PILOT payment for the property. The High Rise has 59 units (originally 60 units), which were intended to serve the elderly. More recently other demographics have been accepted which has caused some issues. The intent is to maintain the facility for elderly moving forward. The property was set up to accommodate two similar multi-story apartment facilities. However, due to Department of Housing and Urban Development programmatic changes and insufficient funding resources, it was decided to develop a single-story structure with 18 units in 2005 east of the High Rise.

The block south of the High Rise was developed with 60 cottage style housing units in 21 buildings for seniors. The oldest cottages were developed in 1963. These structures have outlived their useful purpose and are in need of replacement.

The block between 9<sup>th</sup> Avenue West and 9 ½ Avenue West appears to be the newest (± pre-1970) development consisting of 24 units for families, though the year of construction is not known. These structures are 2-story townhouse style apartments in five buildings.

### **Project Background**

Cass County Housing Authority proposes to redevelop the two blocks south of the High Rise facility due to the age of the structures and need for upgrades, which will require substantial investment. The redevelopment would provide for senior and low income housing in the community for several decades, as well as providing 45 additional units. The first project along Sheyenne Street and 8<sup>th</sup> Avenue West would be constructed in two phases and consist of 84 units in two structures, one 3-story building and one 4-story building. These units would be for seniors. The second project along Sheyenne Street and 9<sup>th</sup> Avenue West (to be vacated) and 9 ½ Avenue West would consist of 45 units for multi-family residential to be built as 2-story townhouse and “Big House” apartment style structures.

The Cass County Housing Authority will issue vouchers for the displaced seniors and families while the units are under construction. This will allow them to find other rental units in the area until the project is completed.

### **Affordable Housing Needs**

The seniors and families renting Cass County Housing Authority units are in the 30 – 60% of median household income (AMI). A July 2018 report shows that 65% of the households served by the Cass County Housing Authority earn 30% AMI or below and another 24% earn 50% AMI or below for a total of 89%. Household average annual income is \$14,067, which is extremely low income households. Cass County Housing Authority provides housing throughout Cass County and has a number of units in other cities. Currently they have 191 households on their waiting list, and under HUD guidelines are required to consider families on a first-come first-serve basis based on qualifications, so they cannot be selective of applicants for any other reason.

The State periodically conducts a study to determine housing needs. The 2016 North Dakota Statewide Housing Needs Assessment shows that in 2014 there were 1,473 cost-burdened owner-occupied housing units in West Fargo, or 16.1% of all owner-occupied housing units. By cost-burdened owners are spending 30% or more of the household income toward housing costs/mortgage. In the same year there were 1,397 cost-burdened renter-occupied housing units in the City.

The North Dakota Housing Finance Agency manages the Low Income Housing Tax Credit (LIHTC) Program for the state. There has been a demonstrated need for more affordable housing units in the state for some time for both seniors and for families. However, with the need for senior housing being significantly greater than for family housing, the LIHTC program has emphasized senior housing for projects that are awarded tax credits.

Recent market studies for the Grace Garden and Harper Heights projects show that there will be an increase in elderly population of 55+ between 2017 and 2022. The percentage increase annually will be an average of 3.6%.



City Commission Agenda Item Request

Please Note: The following information must be completed and submitted before noon on the Thursday preceding the City Commission Meeting. Failure to comply may delay action being taken on your request.

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: \*

Matt Marshall

Phone Number: \*

701-373-5666

Email Address:

matt.marshall@westfargond.gov

Date \*

9/13/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request \*

Request of Public Hearing for Property Tax Exemption for Cass County Housing Authority

Site Address or Legal Description (if applicable)

205 8th Avenue W West Fargo, ND 58078

Action Being Requested from City Commission \*

Public Hearing for Property Tax Exemption for Cass County Housing Authority

Upload Additional Documentation (Optional):

2665860.pdf	25.16KB
2665863.pdf	25.2KB

Client:

CITY OF WEST FARGO

Account # 19435 Ad # 2665860

Phone: (701) 433-5317

Fax: (701) 433-5319

Address: 800 4TH AVE E 1  
WEST FARGO, ND 58078-2015

Sales Rep.:

0135 Forum Legal AdTaker

Phone: (701) 241-5504

Fax: (701) 241-5540

Email: [legals@forumcomm.com](mailto:legals@forumcomm.com)

Class.: 9953 NORTH DAKOTA LEGALS - WEST

Requested By:

Start Date: 08/20/2018

End Date: 08/26/2018

Nb. of Inserts: 9

Dimensions: 1 col. x 27.00 6.5 PT LINES

Publications: West Fargo Pioneer

Total Price: \$21.32

Paid Amount: \$0.00

Balance: \$21.32

Page 1 of 2

**NOTICE TO COMPETITORS OF  
HEARING ON APPLICATION  
FOR PROPERTY TAX EXEMPTION**

Notice is hereby given that the City Commission of West Fargo, North Dakota, will meet at 5:30 p.m. on September 17, 2018, at City Hall to consider the application, of **Cass County Housing Authority**, for exemption from property tax on the project which the applicant will use in the operation of an Affordable Senior Rental Housing, at **205 8th Ave West**, West Fargo, North Dakota. Legal description of the property is proposed **Lot 1 & 2 Block 2 Southdale addition**, West Fargo, North Dakota.

Any competitor of that applicant may appear and be heard by the City Commission at the time and place designated herein. A competitor may provide written comments to the governing body before the scheduled hearing.

This notice is given by the above named applicant pursuant to the provisions of North Dakota Century Code Section 40-57.1-03.  
(August 20, 2018) 2665860

Client:

CITY OF WEST FARGO

Account # 19435 Ad # 2665860

Phone: (701) 433-5317

Fax: (701) 433-5319

Address: 800 4TH AVE E 1  
WEST FARGO, ND 58078-2015

Sales Rep.:

0135 Forum Legal AdTaker

Phone: (701) 241-5504

Fax: (701) 241-5540

Email: [legals@forumcomm.com](mailto:legals@forumcomm.com)

Class.: 9953 NORTH DAKOTA LEGALS - WEST

Requested By:

Start Date: 08/20/2018

End Date: 08/26/2018

Nb. of Inserts: 9

Dimensions: 1 col. x 27.00 6.5 PT LINES

Publications: inforum.com

The Forum-Fargo

Total Price: \$21.32

Paid Amount: \$0.00

Balance: \$21.32

Page 2 of 2

**NOTICE TO COMPETITORS OF  
HEARING ON APPLICATION  
FOR PROPERTY TAX EXEMPTION**

Notice is hereby given that the City Commission of West Fargo, North Dakota, will meet at 5:30 p.m. on September 17, 2018, at City Hall to consider the application, of **Cass County Housing Authority**, for exemption from property tax on the project which the applicant will use in the operation of an Affordable Senior Rental Housing, at **205 8th Ave West**, West Fargo, North Dakota. Legal description of the property is proposed **Lot 1 & 2 Block 2 Southdale addition**, West Fargo, North Dakota.

Any competitor of that applicant may appear and be heard by the City Commission at the time and place designated herein. A competitor may provide written comments to the governing body before the scheduled hearing.

This notice is given by the above named applicant pursuant to the provisions of North Dakota Century Code Section 40-57.1-03.  
(August 20, 2018) 2665860

Client:

CITY OF WEST FARGO

Account # 19435 Ad # 2665863

Phone: (701) 433-5317

Fax: (701) 433-5319

Address: 800 4TH AVE E 1  
WEST FARGO, ND 58078-2015

Sales Rep.:

0107 Emily Schnaidt

Phone: (701) 241-5461

Fax:

Email: eschnaidt@classifiedsfcc.com

Class.: 0020 PUBLIC NOTICE

Requested By:

Start Date: 08/13/2018

End Date: 08/19/2018

Nb. of Inserts: 9

Dimensions: 1 col. x 43.00 FORUM LINES

Publications: West Fargo Pioneer

Total Price: \$172.45

Paid Amount: \$0.00

Balance: \$172.45

Page 1 of 2

**NOTICE TO  
COMPETITORS OF  
HEARING ON  
APPLICATION  
FOR PROPERTY TAX  
EXEMPTION**

Notice is hereby given that the City Commission of West Fargo, North Dakota, will meet at 5:30 p.m. on September 17, 2018, at City Hall to consider the application, of **Cass County Housing Authority**, for exemption from property tax on the project which the applicant will use in the operation of an Affordable Senior Rental Housing, at **205 8th Ave West**, West Fargo, North Dakota. Legal description of the property is proposed **Lot 1 & 2 Block 2 Southdale addition**, West Fargo, North Dakota.

Any competitor of that applicant may appear and be heard by the City Commission at the time and place designated herein. A competitor may provide written comments to the governing body before the scheduled hearing.

This notice is given by the above named applicant pursuant to the provisions of North Dakota Century Code Section 40-57.1-03.

Client:

CITY OF WEST FARGO

Account # 19435 Ad # 2665863

Phone: (701) 433-5317

Fax: (701) 433-5319

Address: 800 4TH AVE E 1  
WEST FARGO, ND 58078-2015

Sales Rep.:

0107 Emily Schnaidt

Phone: (701) 241-5461

Fax:

Email: eschnaidt@classifiedsfcc.com

Class.: 0020 PUBLIC NOTICE

Requested By:

Start Date: 08/13/2018

End Date: 08/19/2018

Nb. of Inserts: 9

Dimensions: 1 col. x 43.00 FORUM LINES

Publications: inforum.com

The Forum-Fargo

Total Price: \$172.45

Paid Amount: \$0.00

Balance: \$172.45

Page 2 of 2

**NOTICE TO  
COMPETITORS OF  
HEARING ON  
APPLICATION  
FOR PROPERTY TAX  
EXEMPTION**

Notice is hereby given that the City Commission of West Fargo, North Dakota, will meet at 5:30 p.m. on September 17, 2018, at City Hall to consider the application, of **Cass County Housing Authority**, for exemption from property tax on the project which the applicant will use in the operation of an Affordable Senior Rental Housing, at **205 8th Ave West**, West Fargo, North Dakota. Legal description of the property is proposed **Lot 1 & 2 Block 2 Southdale addition**, West Fargo, North Dakota.

Any competitor of that applicant may appear and be heard by the City Commission at the time and place designated herein. A competitor may provide written comments to the governing body before the scheduled hearing.

This notice is given by the above named applicant pursuant to the provisions of North Dakota Century Code Section 40-57.1-03.



City Commission Agenda Item Request

Please Note: The following information must be completed and submitted before noon on the Thursday preceding the City Commission Meeting. Failure to comply may delay action being taken on your request.

Office Use:

**Regular Agenda Item #:**

**Consent Agenda Item #:**

Agenda Item Information:

**Contact Name: \***

Matt Marshall

**Phone Number: \***

701-373-5666

**Email Address:**

matt.marshall@westfargond.gov

**Date \***

9/13/2018

**Topic for Consent or Regular Agenda?**

Please select one option:

Consent Agenda

Regular Agenda

**Please Briefly Describe Your Request \***

Property Tax Exemption for Cass County Housing Authority redevelopment

**Site Address or Legal Description (if applicable)**

205 8th Avenue W West Fargo, ND 58078

**Action Being Requested from City Commission \***

Review Property Tax Exemption application for Cass County Housing Authority redevelopment

**Upload Additional Documentation (Optional):**

HACC Application for PILOT.PDF	1.78MB
HACC PILOT Application Narrative.pdf	1.14MB
HACC Before Picture.pdf	394.05KB
HACC Concept 1_7-27-18.pdf	701.13KB

# 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 West 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	<u>Housing Authority of Cass County, North Dakota (HACC)</u>	
2.	Address of project	<u>205 8th Avenue West (Phase I and Phase II)</u>	
	City	<u>West Fargo</u> County <u>Cass</u>	
3.	Mailing address of project operator	<u>230 8th Avenue West</u>	
	City	<u>West Fargo</u> State <u>ND</u> Zip <u>58078</u>	
4.	Type of ownership of project		
	<input checked="" type="checkbox"/> Partnership	<input type="checkbox"/> Subchapter S corporation	<input type="checkbox"/> Individual proprietorship
	<input type="checkbox"/> Corporation	<input type="checkbox"/> Cooperative	<input type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No.	<u>HACC: 45-0277847</u>	
6.	North Dakota Sales and Use Tax Permit No.	<u>N/A</u>	
7.	If a corporation, specify the state and date of incorporation	<u></u>	
8.	Name and title of individual to contact	<u>Blake Strehlow, Executive Director</u>	
	Mailing address	<u>230 8th Avenue West</u>	
	City, State, Zip	<u>West Fargo, ND 58078</u> Phone No. <u>701-282-3443</u>	

## 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>
	<u>          </u> Number of years	<u>2021</u> Beginning year <u>2036</u> Ending year
	<u>          </u> Percent of exemption	<u>attached</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:	
	<input checked="" type="checkbox"/> New business project	<input type="checkbox"/> Expansion of a existing business project

**Description of Project Property**

11. Legal description of project real property

Lot 1 & 2 Block 2, Southdale

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 07/2019

b. Description of project to be constructed including size, type and quality of construction

The project will include the demolition of 60 1-story slab on grade Public Housing units and the new construction of a 4-story, 84-unit senior-designated affordable rental housing project that will be developed in two (2) phases. At this time, Phase I will have 44-units and Phase II will have 40-units.

c. Projected number of construction employees during the project construction 127

14. Approximate date of commencement of this project's operations Phase I: 07/2020, Phase II: 07/2021

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

a. Land..... \$ 263,000

b. Existing buildings and structures for which an exemption is claimed..... \$ N/A

c. Newly constructed buildings and structures when completed ..... \$ 9,660,000

d. Total..... \$ 9,923,000

e. Machinery and equipment ..... \$ N/A

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..... \$ 483,000

d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ 483,000

e. Enter the consolidated mill rate for the appropriate taxing district ..... 284.33

f. Annual amount of the tax exemption (Line d multiplied by line e) ..... \$ 137,331.00



**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).  
~~HACC or an affiliate of HACC, acting as the General Partner, has received a PILOT for Serenity Apartments located in West Fargo, ND and the HACC pays PILOTs for all Public Housing Projects located in Cass County.~~

**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  
~~Owners, operators, managers of Low Income Housing Tax Credit projects in the community of West Fargo.~~

**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

**Use Only When Reapplying**

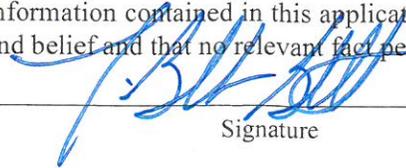
28. The project operator is reapplying for property tax incentives for the following reason(s):

- 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, Blake Strehlow, 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.

 Executive Director 07/25/2018  
 Signature Title Date

**PRIVACY ACT NOTIFICATION**

In compliance with the Privacy Act of 1974, disclosure of a social security number or Federal Employer Identification Number (FEIN) on this form is required under N.D.C.C. §§ 40-57.1-03, 40-57.1-07, and 57-01-15, and will be used for tax reporting, identification, and administration of North Dakota tax laws. Disclosure is mandatory. Failure to provide the social security number or FEIN may delay or prevent the processing of this form.

**Certification of Governing Body (To be completed by the Auditor of the City or County)**

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, granted the following:

**Property Tax Exemption**

\_\_\_\_ Number of years

\_\_\_\_ Percent of exemption

**Payments in lieu of taxes**

\_\_\_\_ Beginning year      \_\_\_\_ Ending year

\_\_\_\_ Amount of annual payments (Attach schedule if payments will vary)

\_\_\_\_\_  
Auditor

HACC Phase I and II - Payment In Lieu of Property Tax Payment Schedule

07.25.18

Cal Year	Year	Phase I PILOT	Phase II PILOT	Total PILOT	Land Tax est.	Total est. pmt
2021	1	\$ 8,800.00	\$ -	\$ 8,800.00	\$ 4,000.00	\$ 12,800.00
2022	2	\$ 8,976.00	\$ 8,000.00	\$ 16,976.00	\$ 4,080.00	\$ 21,056.00
2023	3	\$ 9,155.52	\$ 8,160.00	\$ 17,315.52	\$ 4,161.60	\$ 21,477.12
2024	4	\$ 9,338.63	\$ 8,323.20	\$ 17,661.83	\$ 4,244.83	\$ 21,906.66
2025	5	\$ 9,525.40	\$ 8,489.66	\$ 18,015.07	\$ 4,329.73	\$ 22,344.80
2026	6	\$ 9,715.91	\$ 8,659.46	\$ 18,375.37	\$ 4,416.32	\$ 22,791.69
2027	7	\$ 9,910.23	\$ 8,832.65	\$ 18,742.88	\$ 4,504.65	\$ 23,247.53
2028	8	\$ 10,108.43	\$ 9,009.30	\$ 19,117.73	\$ 4,594.74	\$ 23,712.48
2029	9	\$ 10,310.60	\$ 9,189.49	\$ 19,500.09	\$ 4,686.64	\$ 24,186.73
2030	10	\$ 10,516.81	\$ 9,373.28	\$ 19,890.09	\$ 4,780.37	\$ 24,670.46
2031	11	\$ 10,727.15	\$ 9,560.74	\$ 20,287.89	\$ 4,875.98	\$ 25,163.87
2032	12	\$ 10,941.69	\$ 9,751.96	\$ 20,693.65	\$ 4,973.50	\$ 25,667.15
2033	13	\$ 11,160.53	\$ 9,946.99	\$ 21,107.52	\$ 5,072.97	\$ 26,180.49
2034	14	\$ 11,383.74	\$ 10,145.93	\$ 21,529.67	\$ 5,174.43	\$ 26,704.10
2035	15	\$ 11,611.41	\$ 10,348.85	\$ 21,960.27	\$ 5,277.92	\$ 27,238.18
2036	16	\$ 11,843.64	\$ 10,555.83	\$ 22,399.47	\$ 5,383.47	\$ 27,782.94
		<b>Total:</b>		\$ 302,373.05	\$ 74,557.14	\$376,930.19

**Assumptions:**

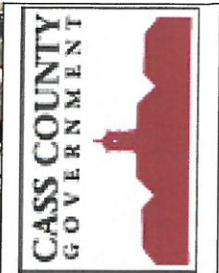
- 1) First full year of operations for Ph I = 2021
- 2) Estimated first full year of operations for Ph II = 2022
- 3) PILOT pmt starts with a base of \$200 per unit and increases by 2% per year
- 4) Estimated Land taxes increase by 2% per year

**Demolition/Disposition/Redevelopment Project Information:**

- \* HACC currently owns two (2) Public Housing Projects that extend over two (2) full city blocks located at 205 8th Ave W (Project 1) and 201 9th Ave W (Project 2), West Fargo, ND - (see page 3 of this narrative for an aerial view of the 2 Projects/city blocks)
- \* Both Projects 1 and 2 are tax exempt property and the HACC makes an annual voluntary Payment In Lieu Of Taxes (PILOT)
- \* Interesting to note, Project 2 (201 9th Ave W) was the 1st Public Housing Project in the state of North Dakota
- \* Both Projects 1 and 2 have run the course of their useful life where reinvestment in needed capital improvements does not make sense
- \* HACC, in partnership with Beyond Shelter, Inc., would like to redevelop Projects 1 and 2 by demolishing the existing buildings and replacing them with new affordable housing - (see the last page of this narrative for a copy of the PUD Illustrative Development Plan)
- \* Project 1 currently has 60-units and the redevelopment plan would be to replace the 60-units with 84 new affordable housing units serving Elderly Households earning 60% of the Area Medium Income (AMI) or below. It is anticipated that the majority of the units will serve extremely low income households earning 30% of AMI or below
- \* Project 1 will also provide amenities and/or services that are appropriate to the Elderly households (i.e. meals on wheels, common activity areas, planned activities, etc.)
- \* For your information, Project 2 currently has 24-units and the redevelopment plan would be to replace the 24-units with approximately 45 new affordable family housing units
- \* HACC plans to redevelop Project 1 (205 8th Ave W) first
- \* To move Project 1 forward, the HACC is making an application to the City of West Fargo for a Payment In Lieu Of Taxes (PILOT). The PILOT is a critical piece for Project 1 to compete for Project financing, it would allow for the financial feasibility of Project 1's operations, and it allows Project 1 to help pay for essential/emergency services that are provided by the community
- \* In 2017, Project 1's PILOT payment was \$14,267.34. If the PILOT Application is approved, Project 1, once fully developed, would pay \$21,056 (inclusive of land)

\* HACC is respectfully requesting that the City of West Fargo, the Economic Development Advisory Committee, Cass County, and the West Fargo Public School District all support the Project 1 PILOT application

Thank you for your time and consideration!



### Cass Co HA

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.

Date: 1/19/2018

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



- A. Senior Building (Phase 1)
- B. Senior Building (Phase 2)
- C. Stormwater (If Needed)
- D. Stormwater (Future Phase)
- E. Family Townhouses and Big Houses (Phase 3)
- F. Park & Playground
- G. Potential Daycare Building

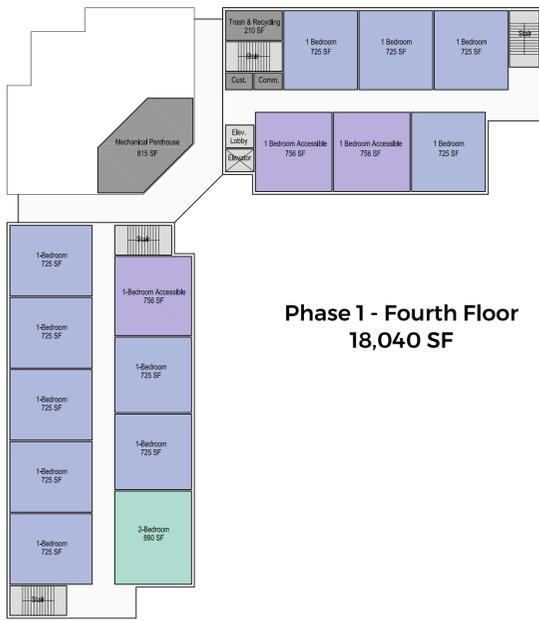
## PLATE 7: ILLUSTRATIVE PLAN

July, 20th 2018

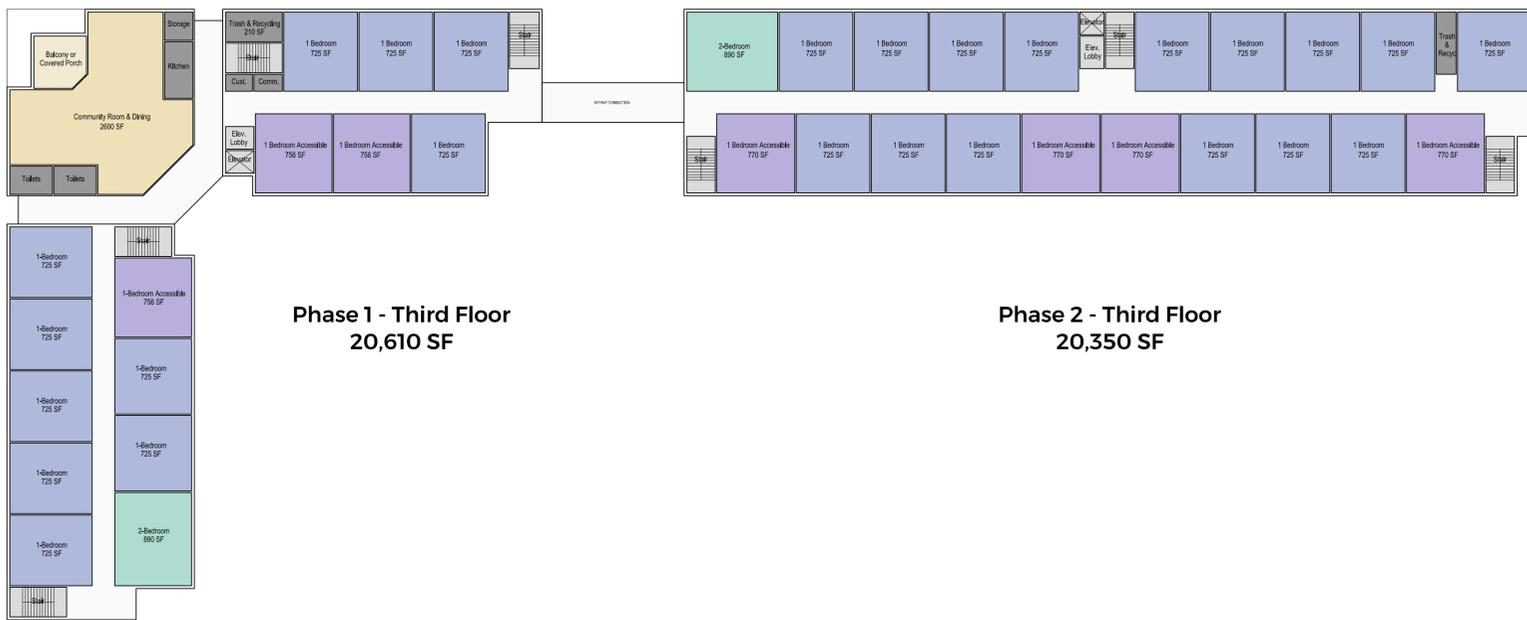
HOUSING AUTHORITY OF CASS COUNTY  
BEYOND SHELTER, INC



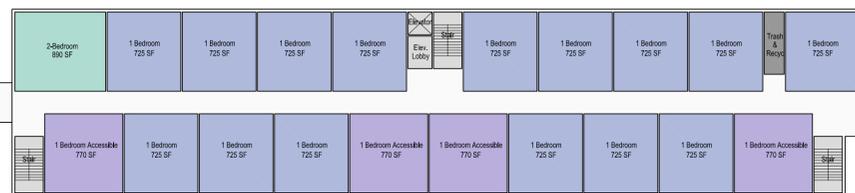




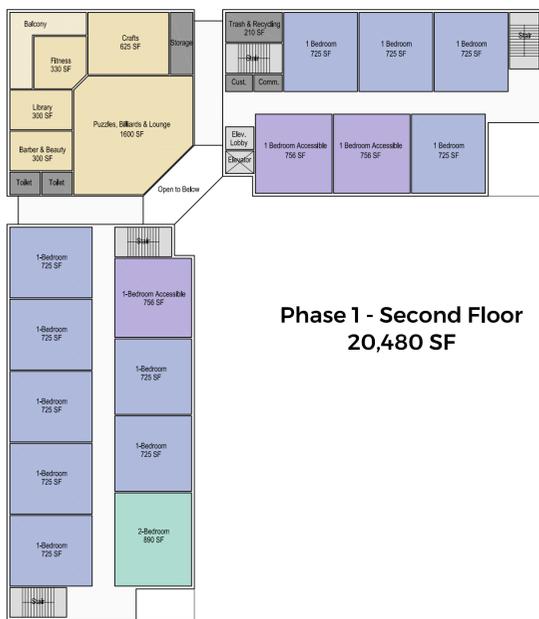
**Phase 1 - Fourth Floor**  
**18,040 SF**



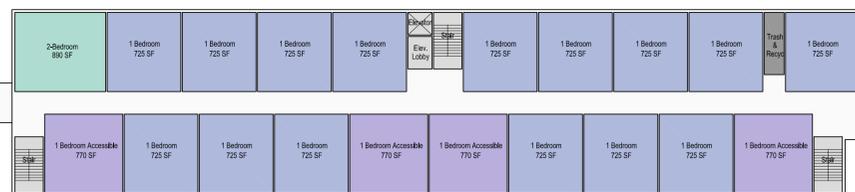
**Phase 1 - Third Floor**  
**20,610 SF**



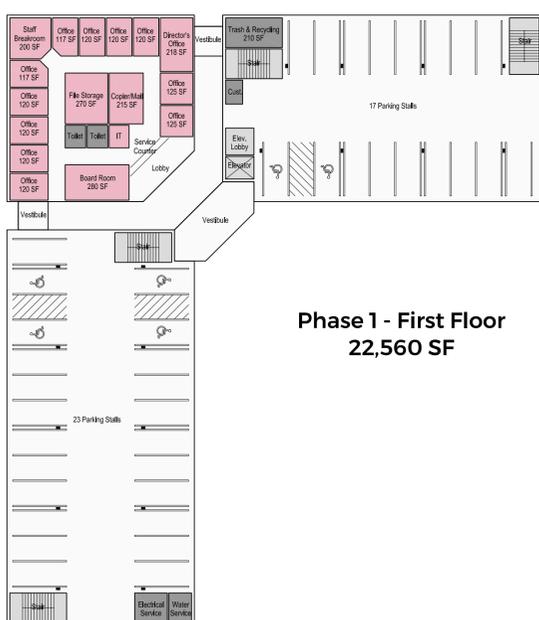
**Phase 2 - Third Floor**  
**20,350 SF**



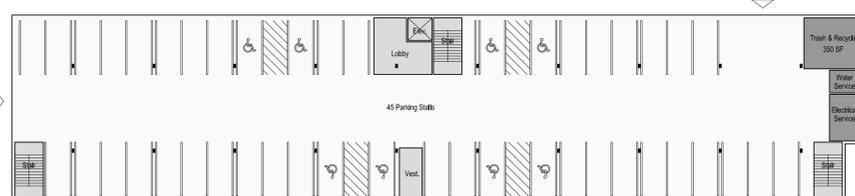
**Phase 1 - Second Floor**  
**20,480 SF**



**Phase 2 - Second Floor**  
**20,350 SF**



**Phase 1 - First Floor**  
**22,560 SF**



**Phase 2 - First Floor**  
**19,650 SF**



**GOVERNOR'S FUND**

NORTH DAKOTA DEPARTMENT OF COMMERCE  
 DIVISION OF COMMUNITY SERVICES  
 SFN 53734 (11/17)

**Governor's Fund for Community Development**

Business/Project Name

Housing Authority of Cass County, North Dakota (HACC) - Project 1

Project Description

HACC currently owns two (2) Public Housing Projects that extend over two (2) full city blocks located at 205 8th Ave W (Project 1) and 201 9th Ave W (Project 2 - the 1st Public Housing Project in the state of ND), West Fargo, ND. Both Projects 1 and 2 have run the course of their useful life where reinvestment in needed capital improvements does not make sense and the need to preserve the affordable housing subsidy of both projects is great.

HACC, in partnership with Beyond Shelter, Inc.(BSI), would like to redevelop Projects 1 and 2 by demolishing the existing buildings and replacing them with new affordable housing.

Project 1 currently has 60-units and the redevelopment plan would be to replace the 60-units with 85 new affordable housing units serving Elderly Households (62 and over) with services that are appropriate for the Elderly (i.e. meals on wheels, common activity areas, planned activities, etc.) HACC will be working with HUD to Project-base rental assistance vouchers to all 85-units.

Requested CDBG funds would be used to acquire the Land for Project 1. Total Project 1 cost est = \$18,709,000.00 for 85-units.

Location

West Fargo, ND

Total Cost of Project

\$ 18,709,000.00

CDBG Amount from Regional Allocation

\$ 0.00

CDBG Amount from Governor's Set-Aside

\$ 300,000.00

CDBG Administration Amount (see Section V of the CDBG PDS for guidelines)

\$ 10,000.00

Total CDBG

\$ 310,000.00

Will the business/project create jobs?

Yes  No

If yes, how many within the first three years of funding? 193

How many jobs will be available to low-to-moderate-income persons? \_\_\_\_\_

Is the business viable?

Yes  No

Describe the positive impact of the project on the community and state.

Affordable housing is foundational to everything else. In addition to meeting the basic needs for shelter, affordable housing is a component for positive life outcomes. The demolition of Project 1 and the redevelopment of the site will provide 85 new affordable homes that will help improve future residents' health, safety, and quality of life.

The economic benefits are also incredible, including the creation of construction jobs, a reduction in cost burdens for renters, an infusion of \$15.5M in private capital to the community of West Fargo and the state of ND. The City of West Fargo considers the project site/location to be the "Gateway to Downtown." Currently the City adopted a new comprehensive plan involving West Fargo residents during the process, all to create a healthy, vibrant, and active downtown that will maximize exiting infrastructure

Project 1 compliments the downtown plan by providing in-fill affordable downtown housing opportunities, vacating a City street, and by adding greenspace that could be used for events/activities that are of interest to younger and older residents, walking paths that connect to South Elementary School and a City park, and be regional water retention area.

Jodi Uecker/Jodee Hanson, Governor's Office

Date

x

9/12/18

This commitment expires on:

Initials



West Fargo City Commission  
[www.westfargond.gov](http://www.westfargond.gov)  
701.433.5300

September 17, 2018

M. Blake Strehlow  
Executive Director  
Housing Authority of Cass County  
230 8<sup>th</sup> Ave. West  
West Fargo, ND 58078

RE: Application to HUD for Demolition of ND1-2

Dear Mr. Strehlow:

I am writing to express the City's support for the Demolition Application for your public housing project, ND1-2 in order to accommodate the modernization and increase in affordable housing units in the City of West Fargo on the existing property of the Cass County Housing Authority.

This application as we have been thus far reviewing will demolish a housing project built in 1965 that is now considered obsolete. Your efforts to redevelop the site as the "gateway to downtown West Fargo" is exciting. We applaud your efforts to provide additional affordable housing in West Fargo. We look forward to seeing the progress and the final product.

Sincerely,

Bernie L. Dardis  
Commission President

**North Dakota Department of Transportation  
COST PARTICIPATION, CONSTRUCTION, AND MAINTENANCE AGREEMENT  
LPA FEDERAL AID PROJECT**

**Federal Award Information – to be provided by NDDOT**

CFDA No: 20.205

CFDA Title: Highway Planning & Construction

Award Name: Federal Aid Highway Program

Awarding Fed. Agency: Federal Highway Admin

NDDOT Program Mgr: Marohl, Sengaroun H.

Telephone: 701-328-4449

**Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.**

**For NDDOT use only.**

**FHWA Authorization date:**

**Project No. SU-8-992(040)041**

**LPA: CITY WEST FARGO**

**Location: SHEYENNE ST FROM 40TH AVE TO 32<sup>ND</sup> AVE**

**Type of Improvement: GRADING, AGGREGATE BASE, PCC PAVEMENT, STORM SEWER, SIDEWALK, LANDSCAPING, SIGNING, MARKINGS, SIGNALS, LIGHTING, WATERMAIN, SANITARY SEWER, FIBER OPTIC**

**Length: 1.18 MILES**

This agreement is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the Local Public Agency (LPA) of City West Fargo, North Dakota, hereinafter referred to as the LPA, who agree that:

It is in the best interest of both parties to have the LPA construct and maintain this project according to the terms and conditions set forth in this agreement. NDDOT will assist the LPA with the preparation and distribution of the bid documents and include the project in a scheduled bid opening.

The LPA agrees to the terms and conditions required for this project by the Federal Highway Administration (FHWA).

NDDOT will procure federal funds for the construction of the project, pursuant to Title 23 of the United States Code.

Federal funds obligated for this project shall not exceed 80.93 percent of the total eligible project cost up to a maximum of \$4,916,910.76. The balance of the project is the obligation of the LPA.

**Additional Funding Clause**

The total eligible project costs include the cost of those items shown in the engineer's detailed estimate as approved for federal funds and any project changes approved by NDDOT for the use of federal funds.



Federal funds may not be obligated by the LPA, prior to FHWA approval of the program documents for the project.

## PART I

LPA Obligation:

1. To comply with the Disadvantaged Business Enterprise (DBE) requirements established by NDDOT for the project.

The LPA shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The LPA shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. NDDOT's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the LPA of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et. Seq.).

Include the following paragraph verbatim in any subcontracts they sign relative to this project:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the solicitation, award, and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as NDDOT deems appropriate.

2. To comply with requirements of 23 CFR Part 633, Required Contract Provisions, and 23 CFR Part 635, Construction and Maintenance.
3. To construct the project in conformity with the construction contract, changes to the plans shall meet the requirements of 23 CFR Part 625, Design Standards for Highways and the current edition of the NDDOT's *Local Government Manual*.
4. To construct the project in conformity with the approved environmental documents and provide for the implementation of any measures mitigating the environmental impact of the project.
5. To comply with the procedures outlined in the current edition of NDDOT's *Local Government Manual*.
6. To comply with the current edition of NDDOT's *Right of Way Acquisition Procedures for Local Public Agency Federal Aid Projects*.
7. The LPA will be responsible for any consideration, avoidance, and minimization of impacts upon real property related to this project, such as changes in the grades of streets, inconvenience to property or business, and any loss of light, air, view, access, egress, drainage, support, or nuisance,
8. To comply with the requirements of Appendices A and E of the Title VI Assurances, attached and incorporated by reference herein.



## PART II

### Contracting and Construction:

1. On behalf of the LPA, NDDOT will:
  - a. Prepare the bid package, solicit proposals, and include the project in a scheduled bid opening as provided in the North Dakota Century Code, Chapter 24-02.
  - b. Evaluate the bids as to the sufficiency of Disadvantaged Business Enterprise (DBE) participation and the bidder's good faith efforts in satisfying the requirements of the current edition of the DBE special provision, and 49 CFR Part 26. NDDOT shall have exclusive authority in evaluating the adequacy of DBE participation.
  - c. Tabulate the bids and send to the LPA.
  - d. Concur in the award of the contract, after the LPA has executed the contract, for the sole purpose of enabling the LPA to procure federal aid for the construction of the project.
2. The LPA will:
  - a. Review bids to determine the lowest responsible bidder.
  - b. Execute the contract.
  - c. Distribute copies of the executed contract and contract bond to NDDOT.
3. During the construction of the project, the LPA will:
  - a. Provide engineering services, material testing, and inspection of the work as required by the contract documents and the current editions of NDDOT's *Sampling and Testing Manual* and the *Standard Specifications for Road and Bridge Construction*.
  - b. Keep all project records and documentation as required in NDDOT's current editions of the *Construction Records Manual* and the *Construction Automated Records System*.
  - c. Make all records available to NDDOT and FHWA for inspection upon request. The LPA will submit all documents and records to NDDOT for review before final payment is made. NDDOT will maintain the project records for three years from the final voucher date of FHWA and then return them to the LPA.
  - d. Be responsible for any changes in plan, character of work, quantities, site conditions, or any claim for extra compensation. NDDOT will review all contract adjustments to determine if the adjustments are eligible for federal aid. Federal aid shall be limited to the amount stated on page one of this agreement.

## PART III

### Post Construction:

After the project is completed the LPA agrees to:



1. Control the length and location of curb openings for access. The width of such access opening shall not exceed that shown on the plans. Additional access points will be allowed on the project if the design adequately considers all effects the access point will have on the entire traffic corridor.
2. Prohibit double parking and diagonal parking within the limits of the project. Additional parallel parking will be allowed within the limits of the project if designed considering the effects the added parking will have on the entire traffic corridor. The design will meet the requirements of 23 CFR Part 625, Design Standards for Highways.
3. If the traffic corridor intersects a state highway, the LPA must justify to NDDOT that any new access allowed will have minimal impact to the state highway. The design will meet the requirements of 23 CFR Part 625, Design Standards for Highways.
4. Maintain the signing and marking of the project according to the current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways*, as supplemented and amended.
5. Restrict the speed limit on the project at or below the maximum design speed. Any changes to the speed limit will be pursuant to North Dakota Century Code, Chapter 39-09.
6. Provide maintenance to the completed project at its own cost and expense.
7. Prohibit access and encroachments upon the right of way pursuant to 23 CFR Part 1.23, Rights of Way, and Part 710 Subpart D, Right of Way, Real Property Management.

#### PART IV

##### General:

1. NDDOT will make all contract payments on behalf of the LPA. Payment will be made upon receipt of the engineer's estimate. The LPA will reimburse NDDOT for payments made less the amount paid by FHWA. No costs will be incurred by NDDOT for the construction and maintenance of this project.

If the LPA fails to reimburse NDDOT within 60 days after billing for funds advanced on behalf of the LPA, this document will constitute an assignment of funds now or hereafter coming into the hands of the state treasurer, which would otherwise be distributed to the LPA out of the highway tax distribution fund, NDCC 54-27-19. The state treasurer is hereby directed to pay NDDOT all such funds until the total equals the sum billed pursuant to this agreement.

2. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
3. No official, employee, or other person performing services for the LPA who is authorized to negotiate or approve any contract or subcontract in connection with the project shall have any financial or other personal interest in any such contract or subcontract. No officer or employee of such person retained by the LPA shall have any financial or other personal interest in any real property acquired for the project unless such interest is openly disclosed upon public records of NDDOT and of the LPA, and such officer, employee, or person has not participated in such acquisition for and in behalf of the LPA.
4. The failure of the state to enforce any provisions of this contract shall not constitute a waiver by the state of that or any other provision.
5. Entities that receive federal funds through NDDOT may be required to obtain an audit in accordance with 2 C.F.R. Part 200, Subpart F. A copy of such audit shall be submitted to NDDOT. Entities that spend less than \$750,000 of federal funds from all sources may be subject to reviews by NDDOT at its



discretion. Additionally, all entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.

- 6. All notices, certificates, or other communications shall be sufficiently given when delivered or mailed, postage prepaid, to the parties at the respective places of business as set forth below or at a place designated hereafter in writing by the parties.

Local Government Engineer  
ND Department of Transportation  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700

---

---

---

---

- 7. The LPA is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.
- 8. This agreement constitutes the entire agreement between the parties. No waiver consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The LPA, by the signature below of its authorized representative, hereby acknowledges that the LPA has read this agreement, understands it, and agrees to be bound by its terms and conditions.



Executed by the LPA of \_\_\_\_\_, North Dakota, the date last below signed.

APPROVED:

\_\_\_\_\_  
CITY/STATES ATTORNEY (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

LPA of \_\_\_\_\_

\*

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\*

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
AUDITOR (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Executed by the North Dakota Department of Transportation the date last below signed.

APPROVED as to substance:

\_\_\_\_\_  
LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

NORTH DAKOTA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
DIRECTOR (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\*Mayor, President or Chairperson of Commission

CLA 19256 (Div. 38)  
L.D. Approved 4-12-93; 8-17



### CERTIFICATION OF LOCAL MATCH

It is hereby certified that the LPA of \_\_\_\_\_ will provide non-federal funds, whose source is identified below, as match for the amount the LPA is obligated to pay under the terms of the attached agreement with the North Dakota Department of Transportation. The certified amount does not duplicate any federal claims for reimbursement, nor are the funds used to match other federal funds, unless expressly allowed by federal regulation.

**Non-Federal Match Funds provided by LPA.** Please designate the source(s) of funds in the LPA budget that will be used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

**Source:**

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

Executed at \_\_\_\_\_, North Dakota, the last date below signed.

ATTEST:

APPROVED:

\_\_\_\_\_  
AUDITOR (TYPE OR PRINT)

LPA of \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\*  
\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

\*Mayor, President or Chairperson of Commission

CLA 19256 (Div. 38)  
L.D. Approved 4-12-93; 8-17



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX E OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

**Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



## Risk Management Appendix

### **Routine\* Service Agreements With Sovereign Entities and Political Subdivisions of the State of North Dakota:**

**Parties:** **State** – State of North Dakota, its agencies, officers and employees

**Governmental Entity** – The Governmental Entity executing the attached document, its agencies, officers and employees

**Governments** – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability** insurance – minimum limits of liability required of the Governmental Entity are **\$250,000 per person** and **\$500,000 per occurrence**. The minimum limits of liability required of the State are **\$250,000 per person** and **\$1,000,000 per occurrence**.
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

**The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.**

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

\*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007  
Revised 5-09



DESIGN DATA			
Traffic	Average Daily		
Current 2017	Pass: 10,120	Trucks: 420	Total: 10,540
Forecast 2040	Pass: 21,055	Trucks: 880	Total: 21,935
Clear Zone Distance: 16 FT (5:1)		Design Speed: 40 MPH	
Minimum Sight Dist. for Stopping: 305 FT			
Sight Dist. for No Passing Zone: 600 FT			

**JOB # 3**  
**NORTH DAKOTA**  
**DEPARTMENT OF TRANSPORTATION**

SU-8-992(040)041

Cass County  
Sheyenne Street Improvements - 40th Ave to 32nd Ave

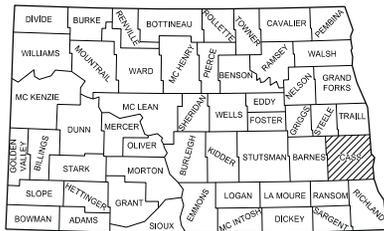
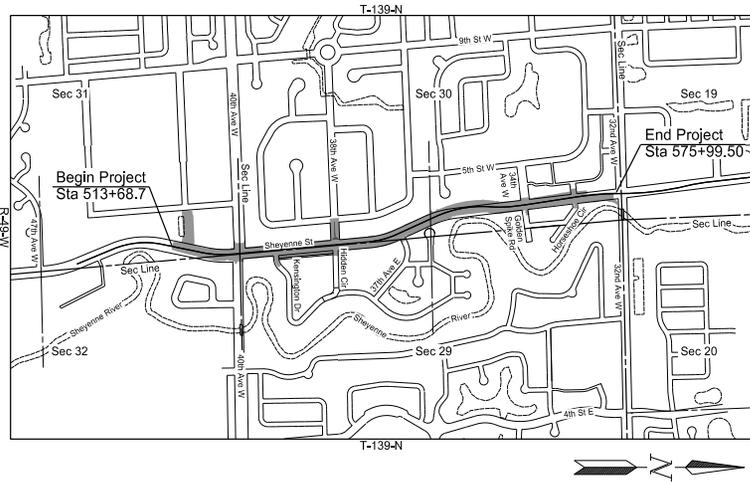
Grading, Aggregate Base, PCC Concrete Pavement, Storm Sewer,  
Sidewalk, Landscaping, Signng, Pavement Marklngs,  
Traffic Signals, Street Lighting, Watermain, Sanitary Sewer, Fiber Optic

STATE	PROJECT NO.	PCN	SECTION NO.	SHEET NO.
ND	SU-8-992(040)041	21569	1	1

**GOVERNING SPECIFICATIONS:**

2014 Standard Specifications adopted by the North Dakota Department of Transportation and the Supplemental Specifications effective on the date the project is advertised.

PROJECT NUMBER \ DESCRIPTION	NET MILES	GROSS MILES
SU-8-992(040)041	1.18	1.18



STATE COUNTY MAP

DESIGNERS	
Kevin Knott, PE	Erik Gilbertson, PE
Tom Conlin, PE	Jon Morgenroth, PE
Alison Hanslip	Jordan Gerber, PE
Dylan Dunn	Alex Bossert, LA
Jeremy Melquist, PE	Samuel Trotman, PE

APPROVED DATE <u>09/06/18</u>
Dustin Scott, P.E. /s/ CITY ENGINEER, CITY OF WEST FARGO
APPROVED DATE <u>09/06/18</u>
Chris Brungardt /s/ PUBLIC WORKS DIRECTOR

I hereby certify that the attached plans were prepared by me or under my direct supervision and that I am a duly registered professional engineer under the laws of the state of ND.

APPROVED DATE 09/06/18

Kevin Knott, P.E. /s/  
MOORE ENGINEERING, INC.

This document was originally issued and sealed by Kevin J. Knott Registration Number PE- 5679, on 09/06/18 and the original document is stored at the City of West Fargo



City Commission Agenda Item Request

Please Note: The following information must be completed and submitted before noon on the Thursday preceding the City Commission Meeting. Failure to comply may delay action being taken on your request.

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: \*

JODI KALLIAS

Phone Number: \*

7015662757

Email Address:

JODI@ACCELERATEDGREENWORKS.COM

Date \*

9/17/2018

Topic for Consent or Regular Agenda?

Please select one option:

Consent Agenda

Regular Agenda

Please Briefly Describe Your Request \*

ACCELERATED GREEN WORKS (AGW) IS LOOKING FOR APPROVAL TO INSTALL A CUSTOM GREEN SPACE SHOWCASING AN ARTIFICIAL TURF APPLICATION AND ROCK LANDSCAPE IN THE EAST BOULEVARD OF THEIR BULK MATERIALS LOT IN WEST FARGO. THE AREA IS NO LONGER BEING ALLOWED FOR PARKING AND WILL BE CONVERTED INTO BOULEVARD SPACE IN THE FALL OF 2018.

Site Address or Legal Description (if applicable)

636 10TH ST NE  
WEST FARGO, ND 58078

VACANT LOT / BULK MATERIAL STORAGE WITH EMPLOYEE PARKING

Action Being Requested from City Commission \*

AGW IS SEEKING APPROVAL FOR THE BOULEVARD TO BE LANDSCAPED IN A MANNER THAT IS ELEVATED BEYOND A STANDARD LAWN INSTALLATION. THE NEW SPACE INCLUDES INSTALLATION OF A FUTURE MONUMENT SIGN. A DRAWING OF THE SPACE WILL BE PROVIDED FOR REVIEW AT THE MEETING.

Upload Additional Documentation (Optional):

### ***Accelerated Greenworks***

03-0302 Prohibited Acts of Encroachment – parking on blvd.

03-0305 Care of Boulevard – rock and gravel as blvd.

- Discussed with property owner in spring of 2017
- Plan was to be submitted to our office spring 2017
- No plan submitted over four months of summer
- New notice of violation sent fall of 2017, to the property owner, with imposed reasonable April deadline to correct blvd
- April property owner contacted our office and submitted a draft plan to modify the blvd
- April we advised them that it would have to be reviewed and approved by city commission because we could not approve that plan
- No contact in summer with property owner
- August 28<sup>th</sup> they contacted our office to have it put on city commission agenda
- It has been set to be heard on September 17<sup>th</sup> agenda.

### **For consideration at City Commission meeting**

September 7, 2018

Violations occurring at:

636 10th Street NE

West Fargo, ND 58078

Property Owners:

Brett Kallias DBA Accelerated Green Works INC

#### Violation(s):

03-0302 Prohibited Acts of Encroachment – parking on blvd.

03-0305 Care of Boulevard – rock and gravel as blvd.

I received an initial complaint on 3-2017 (case number 17-00040) about vehicles stored on and for sale on the city boulevard off of 9<sup>th</sup> street NE in the right of way. A notice was sent out and the vehicles were moved back within their property. Subsequent violations were also observed in the immediate area and complaints about tying for sale signs to light poles and parking on the blvd. were forwarded to our office. Encroachment notices were sent to several addresses in the area including this property.

1<sup>st</sup> notice was sent soon after June 28<sup>th</sup> 2017,

I meet Brett at the property to discuss and to figure out a timeframe of when corrections may be completed. Mr. Kallias stated he would send a reasonable timeframe via email within the next two weeks after having some time to consider workload and expense of moving back and returning the blvd. to grass. I left all my contact information. He explained that the summer is his busiest time and that is why I suggested providing us with a reasonable timeframe (fall or spring to work on it as winter is not a reasonable time to correct violations).

Contact on unrelated issues in blvds and sidewalks,

Mr Kallias had contacted our office about unrelated issues and in one conversation I asked Mr. Kallias if he had put together a timeframe for the blvd, his comment was that he was too busy to put it together and he would work on it in the winter.

2<sup>nd</sup> notice was sent November 7<sup>th</sup> 2017,

I had not heard from Mr. Kallias or any representatives of his business by this time thus I restarted the casework with a new case number and notice. I provided a reasonable timeframe for them as April 30<sup>th</sup> 2018. No response or contact was made until April 2018.

Contact – April 9<sup>th</sup> 2018,

Our office was contacted with a proposal for the blvd to be landscaped.

Chris B. and I discussed this option and agreed it was not an acceptable option. If they wanted to get this approved they would have to go through the city commission.

April 20<sup>th</sup> 2018,

I provided to the Kallias' a response of what they would have to do to have it reviewed through the city commission. I outlined the path with links to the commission website so it could be reviewed at a future city commission meeting.

August 28<sup>th</sup> 2018,

Emailed received informing us they are moving material back and prepping ground for artificial turf as well as process to have it reviewed at commission meeting. Ensuing information provided back and coordinating the request with Courtney for commission meeting was completed.

This should be set for the September 17<sup>th</sup> commission meeting.

At this time the staff do not approve of this concept (that was submitted earlier) for the following reasons.

- 1.) All blvds must be grassed according to ordinance, not artificial or other landscaped material, extenuating circumstances are not apparent in this case
- 2.) Blvds can only have trees that are permitted by the forester, not shrubs or other vegetative type of plants/trees
- 3.) Drainage for artificial turf is not the same as grass, blvds hold water and reduce runoff
- 4.) Landscaping of blvd would be considered demonstration/display or advertising of capabilities of this business
- 5.) Allowing one landscaping business to display their work or capability of what they sell, will allow others to do the same, buildings, shoes, hot tubs, or trailers. Moreover, if it is

to beautify the blvd, then the criteria must be laid out in full so all residence and businesses can also beautify the adjoining right of ways.

- 6.) Blvds are a right of way used to hold utilities or snow during the winter. If other items or landscaping is placed upon them it does not allow us to access or plow snow onto the blvd. If we need to remove snow on the blvd, items in/on the blvd will damage our equipment e.g. if we scrape up grass it breaks up in the augers, artificial grass does not, neither do rocks.
- 7.) Consideration of allowing this plan (artificial turf and or other landscaping) would be an endorsement of their business whom sells and installs this system. By allowing artificial turf as they propose does not allow for rock etc. In other words, consideration of many other materials should also be indicated as approvable or a list or criteria of what is allowable and why.

Staff would not approve this plan as it was presented earlier (we have not seen the new plan). Consideration of all other materials should be conducted and reviewed for safety and potential impacts to storm drainage and maintenance of roads and blvds. Consistency across the city must also be weighed so that code enforcement has a clear precedence to follow. The planning department worked extensively on landscaping standards for uniformity and consistency across the City. We support those standards and how they apply in this case.

Pierre Freeman  
Code Enforcement Officer

Pierre Freeman, M.S. REHS/RS  
Code Enforcement Officer/Emergency Preparedness Coordinator  
City of West Fargo  
810 12<sup>th</sup> Ave NW  
West Fargo, ND 58078  
701-433-5400 (P)  
701-433-5419 (F)  
[pierre.freeman@westfargond.gov](mailto:pierre.freeman@westfargond.gov)

**AGENDA ITEM DESCRIPTION**  
**CITY COMMISSION**  
**WEST FARGO, NORTH DAKOTA**

\*\*\*Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Jon Youness

2. PHONE NO. 282-4692 DATE: September 17, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: \_\_\_\_\_

Due to existing ground elevations in the area of Sewer, Water, Storm and Street

Improvement District No. 1321, I am requesting that residential lots be filled with

Engineered fill and loose fill to reduce/eliminate the need for over-dig of residential

Foundation and to provide positive drainage.

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):

The Wilds 11th Addition

5. ACTION BEING REQUESTED FROM CITY COMMISSION: \_\_\_\_\_

Accept the proposed engineered fill for residential lots as a project cost for Sewer,

Water, Storm and Street Improvement District No. 1321.

Accept the proposed loose fill for residential lots as a project cost for Sewer,

Water, Storm and Street Improvement District No. 1321.

## Steve Iverson

---

**From:** Jon Youness <jyouness@eagleridgecompanies.com>  
**Sent:** Thursday, September 13, 2018 9:18 AM  
**To:** Steve Iverson  
**Subject:** Wilds 11th Lot Filling

Steve,

As the developer, we would be willing to coordinate and pay for the compaction testing and inspection of the engineered fill on the residential lots. These items would be handled outside the scope of the City project similar to how we handle LOMR work in the City of Fargo.

Jonathan Youness, PE  
Director of Development  
Eagle Ridge Development  
4631 40<sup>th</sup> Avenue South, Ste 150  
Fargo, ND 58104  
(c) 701-306-0799  
(f) 701-281-8007  
(e) jyouness@eagleridgecompanies.com

Agenda # 10  
Agenda Code Regular  
Project # 20358

**AGENDA ITEM DESCRIPTION**  
**CITY COMMISSION**  
**WEST FARGO, NORTH DAKOTA**

\*\*\*Please Note: The following information must be completed and submitted to the West Fargo City Auditor's Office by the Thursday noon preceding the City Commission meeting. Failure to comply may result in no action being taken on your request.

1. CONTACT PERSON: Jon Youness

2. PHONE NO. 282-4692 DATE: September 17, 2018

3. PLEASE BRIEFLY DESCRIBE YOUR REQUEST: \_\_\_\_\_

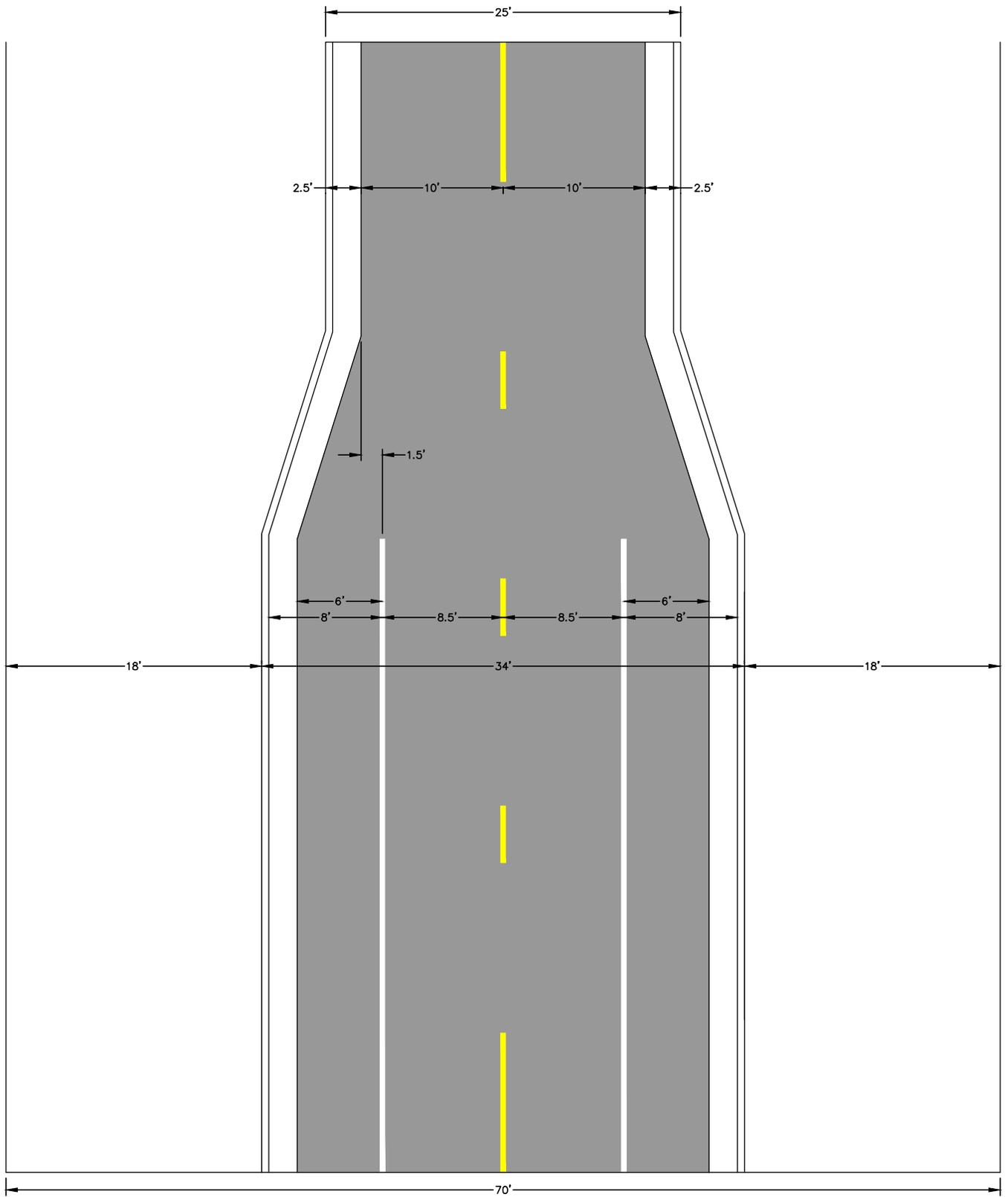
Review proposed roadway section for 11<sup>th</sup> Street West to allow for parking on both sides  
of the Wilds 11<sup>th</sup> Addition.

4. SITE ADDRESS OR LEGAL DESCRIPTION (if applicable):

The Wilds 11th Addition

5. ACTION BEING REQUESTED FROM CITY COMMISSION: \_\_\_\_\_

Approve proposed roadway section for 11<sup>th</sup> Street West and have added to the design  
of Sewer, Water, Storm and Street Improvement District No. 1321.



11TH STREET WEST ROAD SECTION  
 DISTRICT 1321 THE WILDS 11TH ADDITION  
 WEST FARGO, NORTH DAKOTA

PROJECT No.	20358
DATE:	09.13.18
REVISED:	-
DRAFTER:	TWD
REVIEWER:	AJS

